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CONTENTS FOR MARCH

The contents of the National Municipal Review are indexed in the *Engineering Index Service*, the *Index to Legal Periodicals*, the *International Index to Periodicals* and in *Public Affairs Information Service*.

The League's Business

League Committee Meetings.—Representatives of the Civil Service Assembly of the United States and Canada, the National Civil Service Reform League, and the National Municipal League's *Personnel Committee* will hold a joint meeting in Chicago on Friday and Saturday, March 11th and 12th, to draft a model state personnel law.

The final meeting of the League's *Model City Charter Committee* was held in Chicago on February 12th and 13th. Decisions having been reached on all major issues, a Committee on Style and Final Draft will be appointed shortly to put the charter into final form.

The *New York State Committee* of the League has recently issued its legislative program for 1938. The program covers such important legislation for New York State as extension of city home rule, machinery to insure clean elections, restrictions on the political activity of civil service employees, establishment of a legislative council, and establishment of a municipal finance commission. Dr. Wallace S. Sayre, secretary of the New York City Civil Service Commission, has consented to serve as chairman of the group's drafting committee.

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Mayor Carlson of Jamestown Honored.—Hon. Samuel A. Carlson, mayor of Jamestown, New York, for twenty-six years, and an associate of the city government for forty-two years, was recently given a testimonial banquet on his retirement from public affairs. Speakers included Hon. Harry C. Erickson, present mayor of Jamestown, and Robert H. Jackson, at that time assistant United States attorney general.

The *Jamestown Post,* in reporting the dinner, said editorially: "The testimonial dinner given in honor of Mayor Emeritus Samuel A. Carlson was a fitting and well deserved recognition of his four decades of devoted and able service to the people of Jamestown. It was a truly representative gathering of citizens of all political and factional affiliations, who attested by their presence the community's sincere appreciation of Mr. Carlson's long and successful labors for the common good."

Mayor Carlson has for many years been a member of the National Municipal League, the Proportional Representation League, and other organizations interested in the improvement of local government. The League is happy to join with the citizens of Jamestown in extending to him its congratulations on his long life of service in the cause of good government.

HOWARD P. JONES, *Secretary*

No picture of municipal politics today would be complete without placing in high light the "new politics" which has been gradually developing during the past forty years, and which took on a new lease of life with the coming of the manager plan of government. Forlorn-hope reformers have continued to battle gallantly with the forces of greed and corruption in the great metropolitan centers of the country—and with occasional victory. But, more significantly, good citizens, well led, have in hundreds of our smaller cities captured the city hall for a new type of honest, efficient, nonpartisan government, and (with some variations of fortune) held the fort to this day. THOMAS H. REED, *Municipal Government in the United States.*

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Editorial Comment

March, 1938

The Price of Citizenship

THOMAS MANN, German author who won the Nobel prize in literature and who now is a voluntary exile from the Third Reich, believes the United States is "the lone bulwark against the destruction of liberty and freedom" but that this country "must use its youth and force and must put its social influence to work . . . before it is too late."

Among many who read them, his words will arouse a few moments of thoughtful consideration. They deserve more than that. They must be translated into action—action based on understanding and clear sense of direction. And that action can be exercised more effectively and certainly in our primary units of government than anywhere else. If democracy is preserved in our villages, towns, cities, and counties, we need have no fear for our states and the national government.

But when a well intrenched city administration so manipulates candidates that the voter is unable to make an intelligent choice, when ballots are so long and unwieldy that the voter gives up in despair, when the mayor of a large city announces that he is the law—and proves it!—when the ex-saloon-keeper boss of another great city emasculates the council-manager plan by making a puppet of the city manager to make his own control more efficient, conditions stand in clear relief which might well give us pause before we accept too smugly the praise of admirers who come from abroad for lecture tours.

No one, not even the political manipulator himself, believes the people are getting what they actually prefer. It takes thorough organization, a lot of money, and sometimes election frauds to defeat consistently the will of a majority of the people of any community.

In the last few months a dozen or more campaigns for adoption of the council-manager plan have been defeated, not because the manager plan is lacking in desirability but because amateurs were pitted against experienced professionals who knew their "business" of politics.

Clearly pointing the way to be the "lone bulwark against the destruction of liberty and freedom," on the other hand, is the activity of amateur groups such as the one in Toledo, where thorough organization down to the last ward and precinct, such as would be a credit to any seasoned political machine, brought easy victory. The most heartening aspect of such an accomplishment as this is the proof it offers that it is still possible to get people to work for a cause without rewards in money or jobs, and, more particularly, that youth is eagerly in search of an ideal worthy of its support.

"Divided We Fall"

IN A "backwoods" county in the Missouri Ozarks is a courageous country editor who, with the little weekly newspaper he prints in the basement of his home, has for several years blocked a bond issue to build a grand new courthouse.

"We are too poor," he argues. "Our neighboring county has a new $250,000 courthouse. Our county and three or four others ought to combine with our neighbor and help use it before it's out of date."

You would think that at least the big taxpayers would be grateful to this editor and be willing to follow his sensible leadership. But are they? No! They are punishing him by refusing to advertise in his paper. He doesn't worry. He is well along in years, with enough money to last, he thinks, and, anyway, he prefers to go fishing. If he had to set up ads as well as news he wouldn't have so much time to fish.

For many years consolidation of counties into units financially and geographically appropriate to the services they are expected to render has been urged. But even the hardships of the depression, which forced too many counties to default on at least some of their bonds, reduced the number of counties a mere trifle—from 3,072 to 3,069.

It would seem obvious, even to the politicians, who for their own private reasons like the counties as they are, that paved highways, railroads, and the general ease of communication make our multitude of counties ridiculous. The legislatures of some states have passed enabling acts to permit counties to combine and remedy this very serious situation. But nothing much happens. Typically, any suggestion of consolidation brings a reaction like this:

"What, combine dear old Kosciusko County with LaFayette and Steuben Counties? What would you name it? Where would you put the county seat? Who would get the courthouse? Do you expect us to give up all the fine traditions which Kosciusko County has built up since the beginning of time—or at least for the last seventy-eight years?"

It should be perfectly obvious to those who examine the situation, especially as it has been magnified by the lense of economic collapse, that the alternative to the piecemeal surrender of services to the states is reorganization of county governments along these general lines:

(1) Single important administrative units large enough in population and wealth to render essential services efficiently; (2) centralization of responsibility in these units, with well defined authority at the head of each; (3) unification of tax-raising and tax-spending activities in so far as possible; and (4) establishment of adequate control of expenditure through proper budget procedure.

Representation of Metropolitan Districts

A change in the method of apportioning members of state representative bodies is necessary in order that there may be at least a guarantee of legislative action.

DAVID O. WALTER
University of Illinois

ONE of the most difficult problems with which the New York constitutional convention, to be held in April, will have to deal is the question of representation of New York City in the legislature. The under-representation of New York City is one of the notorious examples of the widespread discrimination against urban areas in our state legislatures. With 62.3 per cent of the total population the New York metropolitan district has only 54.9 per cent of the senators and 46.7 per cent of the assemblymen. Whereas Steuben County has one assemblyman for every 41,336 of population and Schuyler and Putnam Counties have one each for 12,909 and 13,744 respectively, Bronx County has only one for every 158,157 of population. In the senate the average district has a population of 246,825, but Queens has only one senator for every 539,585 in contrast to Rensselaer with one for 119,781.

These discrepancies are due both to constitutional provisions definitely intended to restrict New York City and to the failure of the legislature to carry out its constitutional duty to reapportion assemblymen and to revise the senatorial district. The first of the constitutional limitations is the provision that aliens shall not be included in the basis of representation,[1] a provision which, whatever its merits, helps to cut down the representation of New York City. This is less important than the other restrictions, for the New York metropolitan district[2] has over 59 per cent of the *citizen* population of the state represented by 54.9 per cent of the senators and 46.7 per cent of the assemblymen. Specifically directed against New York City is the provision that: "No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now [1894] organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators."[1] The inequalities in representation in the assembly, especially the great variations in population mentioned above, are due primarily to the requirement that each of the sixty-two counties (including Fulton and Hamilton as one county) shall have at least one assemblyman, out of a total of 150. This means that the smaller rural counties are over-represented in proportion to their population.

The other major reason for the inequalities among legislative districts is the failure to enact into law any reapportionment or redistricting act since 1917. There have been three main reasons for this. The first is that there is in New York no general discrimination against all urban centers but only

[1]Const. III, 4.

[2]All figures on the population of metropolitan districts from *Fifteenth Census of the United States: 1930—Metropolitan Districts.*

against New York City. The other metropolitan districts — Albany, Binghamton, Buffalo, Rochester, Syracuse, and Utica—have together 17.6 per cent of the population of the state, represented by 23.5 per cent of the senators and 20.7 per cent of the assemblymen. Consequently, there is no desire among all the urban districts to work for reapportionment.

More important than this has been the influence of party politics. The restrictions in the constitution of 1894, deliberately intended to favor the Republicans, have served their purpose well. From 1920 to 1935 only one Republican governor was elected, showing a Democratic majority in the state, but the assembly has had a Republican majority each year. As a result, the legislature and the governor have not been able to agree on any reapportionment, though one has been due since 1925. Consequently, reapportionment bills passed by Republican legislatures in 1926, 1929, and 1930 were vetoed by Democratic governors. Governor Lehman has annually recommended reapportionment, but without success.

TAMMANY LEGISLATORS PREVENT FAIR APPORTIONMENT

In 1935 the Democrats had for once obtained a majority in both houses of the legislature, and a fair reapportionment bill was almost passed. At that time another factor preventing action appeared. In addition to the solid upstate Republican opposition, there was enough defection in the Democratic ranks to defeat the bill. This was due to the fact that although the total population of New York City has increased since 1917 there have been great shifts in population: Manhattan had declined by 1930 from 2,137,747 to 1,867,312; Brooklyn had increased from 1,798,513 to 2,560,401. As a result of these and other changes New York County (Manhattan) would lose three senators and seven assemblymen, Bronx would gain one senator and four assemblymen, Brooklyn would gain one of each, Queens would gain two senators and five assemblymen. Tammany legislators therefore joined with the Republicans to defeat the bill.

After the adjournment of the 1936 legislature there was no chance for further legislative action on reapportionment until 1941. In November 1936, however, in accordance with the constitutional mandate, the people of the state had an opportunity to vote as to whether a constitutional convention should be called in 1938. One of the main tasks of such a convention would be either to reapportion the state or to provide a more satisfactory basis and method of reapportionment. Both political parties ignored the issue, each fearing that the other would control the convention and make or perpetuate a gerrymander of the state in its favor. In spite of this, an overwhelming popular vote in New York City in favor of calling the convention was enough to over-balance the negative upstate vote. Delegates to the convention, elected at the general election last November, comprise ninety-one Republicans, seventy-six Democrats, and one Fusionist.[3]

There is a similar discrimination against the Chicago metropolitan district in the legislature of Illinois. With 54.0 per cent of the population of the state it has only 41.2 per cent of the senators and representatives. In contrast to New York, the Illinois constitution makes no specific limitation on representation from

[3]The articles by W. A. Warn of the *New York Times* at intervals during the past two or three years furnish the best analysis of the political factors involved, especially that published on January 26, 1936. See also W. F. Willcox, "The Recent Apportionment in New York State," 2 *Cornell Law Quarterly* (Nov. 1916): 1-19; W. J. O'Shea "Report to Joint Legislation Committee on Reapportionment," *Legislative Document No. 85* (1935); radio address by Governor Lehman printed in *New York Times*, April 8, 1935.

Chicago, but the requirement of equality of representation is a major reason for the failure of the legislature to redistrict the state since 1901. In that year, with 38.1 per cent of the population of the state, Cook County was allotted nineteen senators, 37.3 per cent. Today, with over half the population of the state, 52.2 per cent, it has the same representation.

Naturally, Chicago has resented this situation, and there has been agitation for a redistricting. On the other hand, downstate legislators have been unwilling to see the legislature dominated by representatives from one large city, especially in view of the fact that representatives are elected from the same districts as senators. It was over this question that the constitutional convention of 1920-1922 wrangled most. Finally, a compromise was drafted, providing that, in the senate, Cook County should never have more than one-third of the total number, but that representation in the other house should be in proportion to the number of votes cast for governor. The whole constitution, however, was decisively rejected in the referendum of December 1922.[4]

Agitation for change continued. In the 1925 session of the legislature, bills to effect this almost passed. In June 1925 occurred an abortive attempt by Cook County to withhold state taxes collected by the county.[5] There was even talk of secession of Chicago from the rest of the state. Discussion continued through 1926 and 1927, with the Chicago newspapers favoring a redistricting, but with no success.[6] The primary result of all this was that the center of the movement was transferred from the legislature to the courts. Several suits were brought by John B. Fergus in an effort to have the courts compel the legislature to act. Thirty years earlier the court had declared its lack of power to do this,[7] and Fergus had no success in his attempt to get a mandamus against the legislature,[8] or to restrain payment of the salaries and expenses of the legislature,[9] or to apply quo warranto proceedings to senators and representatives elected to this "unconstitutional" legislature,[10] the court refusing to do indirectly what it could not do directly.

EVEN MURDER OF NO AVAIL

John W. Keogh took up the fight, appealing to the federal courts on the ground that Illinois did not have a republican form of government and that the failure of the federal government to carry out its guarantee of a republican form of government by compelling reapportionment relieved him of his obligation to pay federal income taxes.[11] The Circuit Court of Appeals paid scant attention to this argument and the United States Supreme Court refused to review the case.[12] Mr. Keogh had one more try, of a more sensational nature. On January 13, 1936, he was arguing before Circuit Judge Prystalski on a motion concerning a mortgage foreclosure, basing his argument on the illegality of the legislature. On the refusal of the judge to listen to this argument Mr. Keogh killed the opposing lawyer and shot at the judge, because "something drastic had to be done to awaken the people."[13] Up to the pres-

[4] A. C. Miller, "The Illinois Convention," 7 *American Bar Association Journal* (1922): 14-17; W. F. Dodd, "Illinois Rejects New Constitution," 17 *American Political Science Review* (1923): 70-72.

[5] C. M. Kneier, "Chicago Threatens to Revolt," 14 *National Municipal Review* (1925): 600-603.

[6] R. L. Mott, "Reapportionment in Illinois," 21 *American Political Science Review* (1927): 598-602.

[7] *People ex rel. Woodyatt v. Thompson* (1895), 115 Ill. 451, 475.

[8] *Fergus v. Marks*, 321 Ill. 510 (1926).

[9] *Fergus v. Kinney*, 333 Ill. 437 (1928).

[10] *People ex rel. Fergus v. Blackwell*, 342 Ill. 223 (1930).

[11] *Keogh v. Neely*, 50 F. (2d) 685 (1931).

[12] 284 U. S. 583.

[13] *New York Times*, Jan. 14, 1936.

ent time this act of vicarious hara-kiri has not had the intended effect.

One reason for the failure of the legislature to redistrict the state has been the unwillingness of the rest of the state to see Chicago dominate both houses of the legislature. In part this is due to the fact that the present constitutional provisions permit no discrimination in either house, whereas the experience of other states indicates that the most a metropolitan city can obtain is control of one house. In addition there is the feeling among rural voters that Chicago stands for crime, corruption, aliens, illiteracy, and industrial radicalism. As in New York, the other cities have not been interested in redistricting, even though the rural population has declined absolutely as well as relatively since 1900, and though the average urban constituency (outside of Chicago, where it is 209,585) is 141,865 as contrasted to the average rural constituency of 97,328. A further important factor is that there is no unanimous desire for change in Chicago itself: business and labor interests have worked out satisfactory relationships with the existing legislative arrangement, and the professional politicians are reluctant to disturb the present *modus vivendi*.[14]

RIVALRY BETWEEN CITIES

The rivalry of San Francisco is the dominant reason for the constitutional restrictions which prevent the Los Angeles metropolitan district, with 40.8 per cent of the population of California, from having more than 5 per cent of the senators and 40 per cent of the representatives. Prior to 1926 the constitution provided for representation in the senate and assembly according to population, but this became complicated by the phenomenal growth of Los Angeles from a population of 102,749 in 1900 to 576,673 in 1920, and 1,238,048 in 1930. Even under the apportionment of 1911 there were inequalities, and an equitable apportionment based on the census of 1920 would have allotted to Los Angeles eleven senatorial and twenty-two assembly districts instead of the eight senatorial and fifteen assembly districts the city then had. In the face of this threatened rise to political power of the city, the legislature adopted the tactics used elsewhere, refusing to pass any apportionment bill during its 1921, 1923, and 1925 sessions. To the opposition of the rural areas was added the traditional hostility between the bay region and southern California and the jealousy felt in San Francisco over the rapid growth of the southern city. In 1900 Los Angeles was less than a third the size of San Francisco, by 1920 Los Angeles was larger, and by 1930 almost twice as large. Because of these cross-currents of interest, Professor West, writing in 1923, despaired of any solution to the deadlock.

Agitation for a reapportionment, however, took effect. During the 1925 session the California Farm Bureau Federation favored the "three-eighths five-eighths plan" whereby not more than three-eighths of the forty senators were to come from the counties of Los Angeles, San Francisco, and Alameda. The plan was adopted by the senate, but defeated in the assembly. In 1926 Los Angeles favored an initiated constitutional amendment which was an attempt to force through a reapportionment on the existing basis by the creation of an administrative apportionment commission to act in case the legislature failed to act. A counter-proposal contained a similar feature, but changed the basis of representation in the upper house. This latter plan, as adopted and now in effect, provided that no county have more than one senator and that no senatorial district contain more than

[14] A. Lepawsky, *Home Rule for Metropolitan Chicago* (1935): 148-155.

three counties. This plan gained a majority in every county except Los Angeles, even San Francisco County being willing to have its senatorial delegation cut from seven to one in order to prevent Los Angeles from getting its proportionate number.[15] It is worth noting, however, that if we consider metropolitan districts rather than counties, San Francisco with little more than half the population of Los Angeles has three times the representation in the senate, because Los Angeles is such a large county in area that the district includes a majority of the population in only one other county.

At any rate the compromise was adopted, restricting the cities in the senate but giving them full representation in the assembly. Even on this last point there was a bitter struggle between Los Angeles and San Francisco in the 1931 legislature over reapportionment of congressional and assembly districts, which ended in a victory for the former and for representation according to population.[16] So, incongruous though it may seem that the counties of Mono and Inyo, with a combined population of 7,915, should have the same representation in the senate as Los Angeles County, with 2,208,492, the question seems to have been solved, at least temporarily.

Constitutional discriminations against the metropolitan cities are widespread. The Baltimore metropolitan district contains 58.2 per cent of the population of Maryland but has only 27.6 per cent of the senators and 38.3 per cent of the delegates. This is due to the requirement that no county nor any of the six legislative districts into which Baltimore is divided shall have more than one senator and six members in the house of delegates.[17] For the city of Baltimore, each senator represents on an average 134,166 people, for the rest of the state 37,575. Similarly as to delegates: in Baltimore the average constituency is 22,358, in the rest of the state it is 9,841.

In the neighboring state of Delaware, there is no provision for reapportionment, the existing districts having been set up by the constitution of 1897.[18] As a result, Wilmington, the only city of over five thousand population in the state, has 45 per cent of the population but only five of the thirty-five representatives, 14.3 per cent; and only two of the fifteen senators, 13.3 per cent. Its metropolitan district has 63.9 per cent of the population but only 28.6 per cent of the representatives and 29.4 per cent of the senators. Any change would require a two-thirds vote in each house of the legislature, the body which is controlled by the rural representatives.

In Pennsylvania, too, there is a provision aimed directly at Philadelphia, that no city or county shall have more than one-sixth of the total number of senators.[19] So far this has not worked a serious hardship on Philadelphia, since with 20.3 per cent of the population the city has 16.0 per cent of the senators and 19.7 per cent of the representatives. Under the apportionment of 1921, however, the size of the senatorial and representative districts varies greatly.

The New York City metropolitan district is discriminated against in New Jersey as well as in New York. There it has 72.1 per cent of the population and 70.0 per cent of the representatives,

[15]For the history of this controversy, see S. O. Blythe, "Shall City or Country Rule?", 92 *Country Gentleman* (March 1927): 6; see also F. N. Ahl, "Reapportionment in California," 22 *American Political Science Review* (1928): 977-980; V. J. West, "Our Legislative Mills—California," 12 *National Municipal Review* (1923): 369-372.

[16]Cf. T. S. Barclay, "Reapportionment in California," 5 *The Pacific Historical Review* (1936): 93-129.

[17]Const. III, 2, 4.

[18]Const. II, 2.

[19]Const. II, 16.

but only 38.1 per cent of the senators. This is due to the constitutional provision that each of the twenty-one counties shall have one senator and only one. As a result the populations represented vary from 27,830 (Sussex) to 833,513 (Essex). The requirement that each county have at least one member in the assembly does not produce as serious inequalities.

SOUTHERN DISTRICTS

In the south as well there are examples of restrictions on the cities. The Birmingham metropolitan district, with 14.5 per cent of the population of Alabama, has 4.7 per cent of the representatives and 2.9 per cent of the senators, due in part to the requirement that each of the sixty-seven counties have at least one representative and in part to the failure of the legislature to make any general reapportionment since 1901. The provision that "no county shall be divided in forming a [senatorial] district"[20] has been accepted as meaning that no county shall have more than one senator. Similarly, the Atlanta metropolitan district, with 12.8 per cent of the population of Georgia, has 2.9 per cent of the representatives and 3.9 per cent of the senators. Because of the method of apportionment—three representatives to the eight largest counties, two each to the next thirty, and one each to the rest—and the large number of counties, 161, any increase in the population of Atlanta is unlikely to be accompanied by an increase in the number of representatives.[21] In the senate the population of the districts varies from 14,483 to 344,771. Although the legislature has the power to change these districts, maintaining the same number of districts and senators, fifty-one, it has not done so.

In the far west, California is not the only state where there is discrimination against the cities. Except for Portland the cities in Oregon are so scattered among dominantly rural counties that they could hardly obtain greater representation under any usual system of apportionment. The Portland metropolitan district, on the other hand, suffers noticeable under-representation. Containing 39.7 per cent of the total population, the district has eight senators, 26.7 per cent, and seventeen representatives, 28.3 per cent. This is due primarily in the case of the senate to the constitutional provision that each county with one-half the senatorial ratio shall have a senator;[22] on a strictly proportional basis the district could control fourteen senators. In the house of representatives a similar constitutional provision is decisive, although the legislature might give the district its strictly proportionate share by reducing the representation of the other counties so that no other district had more than one representative, a solution which seems unlikely to be adopted.

The situation in Rhode Island is one where the representation of the city of Providence is more indicative of differences of political interest than is the representation of the Providence metropolitan district. With 36.8 per cent of the total population the city of Providence has 9.5 per cent of the senators and 25.0 per cent of the representatives. The under-representation is due not to the limitation of six senators to any city or town but to the over-representation of the other cities caused by the provision of at least one senator to each of the thirty-nine cities or towns. In the other house the under-representation is the result of the combination of two constitutional provisions; each town and city has at least one representative, and no town or city shall have more

[20]Const. sec. 200.

[21]Cf. C. B. Gosnell, "Rotten Boroughs in Georgia," 20 *National Municipal Review* (1931): 395-7.

[22]Const. IV, 6.

than one-fourth of the whole number. So that Providence, with 252,981 inhabitants, has four senators; all the others have one each, from West Greenwich (with 402) and Foster (with 946) to Woonsocket (with 49,376) and Pawtucket (with 77,149). The 422,417 inhabitants of the four largest cities are represented by the same number of senators as represent the 7,449 combined population of the seven smallest towns. In the house of representatives the discrepancy is considerably less, but even here the towns with one representative each vary in population from 402 to 11,104.

The constitutional provisions reflect a determination of the rural areas of the state to maintain their control of the state in spite of the overwhelming population of Providence and the other industrial cities. Behind this legal framework and other undemocratic restrictions, such as a property qualification for voting for members of the city councils, lies a cleavage of social, economic, racial, and party interests. The smallest villages are rural, Republican, reactionary, "Yankee," and capitalist; the cities support the Democratic party, which is relatively progressive, favors the industrial workers, and has urged constitutional changes in the direction of more democratic government. The minority Republicans have been able to maintain their control of the legislature through the system of representation. In one case, when Warwick showed a Democratic trend, the Republicans divided the town, putting the growing Democratic sections in West Warwick, but retaining a Republican representative and senator from Warwick. On the other hand, although factional disputes within the Democratic party when they came into control in 1934 delayed action on the proposal of a constitutional convention until March 1936, when the Republicans were able to defeat it in the referendum, Republican leaders in Rhode Island recognize that they are fighting a rear guard action and cannot hope to maintain their dominance much longer.[23]

The Texas electorate showed considerable forethought in the adoption in 1936 of a constitutional amendment providing that no county have more than seven representatives unless its population is over 700,000, in which case it may have one additional representative for every 100,000 above that figure.[24]

At the present time the largest county has only 359,328 people, but this constitutional restriction shows the intention of the present rural areas to prevent future dominance by the metropolitan districts of Dallas, El Paso, Fort Worth, Houston, and San Antonio.

DETROIT AND ST. LOUIS

Although Chicago, and to a lesser extent New York, are the notorious examples of the results of delay in reapportionment in causing inequalities, Detroit and St. Louis also suffer. With 43.5 per cent of the population of the state the Detroit metropolitan district has only 25.0 per cent of the senators and 24.0 per cent of the representatives. This is due primarily to the great increase in population in Detroit since the senatorial and representative apportionments were made in 1925, partly to the inequalities among the districts even at that time, and partly to the provision that each county with half the ratio of representation is entitled to separate representation.[25] Despite agitation in Wayne County no reapportionment has

[23]O. A. Welsh, "American Rotten Boroughs," 52 *Survey* (1924): 509; C. C. Hubbard, "The Issue of Constitutional Amendment in Rhode Island," 30 *American Political Science Review*, (1936): 537-40.

[24]Const. III, 26a.

[25]For an analysis of the problems, see *The Michigan Plan*, a report submitted to the Wayne County Board of Supervisors by B. B. Pelham (1931).

been made since that time and an initiated proposal for reapportionment was defeated in the referendum in 1932. In Missouri the reason for the St. Louis metropolitan district with 28.6 per cent of the population having only 20.6 per cent of the representatives is rather the various constitutional restrictions than the failure to reapportion since 1921: each county, no matter how small, has a representative; and there is a graduated electoral ratio so that larger counties are not represented in proportion to population. The senatorial districts are to be equal in population without any such limitations, but the legislature has refused to reapportion since 1901. Attempts to get through an apportionment and redistricting by constitutional amendment or by action by an apportionment board empowered to act in case of legislative inaction were frustrated by the Missouri supreme court in a series of weird decisions.[26] A proposed amendment to overrule these was rejected by popular vote in 1924. Since urban-rural rivalry in Missouri has paralleled party rivalry, there seems little immediate prospect of an equitable senatorial reapportionment.

REFERENDUM VOTE BRINGS NEW APPORTIONMENT

In contrast to this picture of widespread discrimination against the metropolitan cities, the experience of Denver and Seattle is encouraging. The latest reapportionment in Colorado had been that of 1913—there was none following the census of 1920, nor did the legislature of 1931 take any action based on the 1930 census—so the people in 1932 adopted a reapportionment plan by referendum vote on initiated measure. This allotted to the senatorial districts one senator for the first 17,000 population and an additional senator for each 35,000 or fraction over 32,000; similarly it gave to the representative districts one representative for the first 8,000 and an additional one for each 19,000 or fraction over 17,000. This clearly discriminates against the more populous counties, but the legislature was not satisfied. In June 1933 it passed a bill which expressly repealed the plan adopted at the polls in the previous November and which discriminated even more against Denver. This was too much for the Colorado supreme court. In the case of *Armstrong v. Mitten* (95 Colo. 425), in a proceeding under the declaratory judgments act, it declared that the legislative measure was void and the initiated one in effect.

Use of the initiative in Washington had similar results. There had been no apportionment since 1901 until in 1930 a popularly initiated measure was adopted by the voters. In this case the use of direct legislation enabled the urban areas to break the control of the rural areas in the legislature. With a rapid growth in population Seattle had for years become more under-represented in the legislature and there seemed small possibility of any change by action of the legislative body. The two next largest centers of population were not entitled to any additional representation, and so did not favor this bill; and in spite of the fact that it obtained a majority of the total votes it had a majority in only six of the thirty-nine counties. The "cow county" bloc, however, carried through the 1931 legislature a proposal for a constitutional amendment to guarantee at least one representative to a county and to prevent any one county from having more than 21 per cent of the representatives. This proposal, aimed at Seattle, was defeated in the November 1932 election. Under the initiated law, with slight changes in 1933, Seattle with 29.6 per

[26] *State ex rel. Halliburton v. Roach*, 230 Mo. 408 (1910); *State ex rel. Lashly v. Becker*, 290 Mo. 560 (1921); *State ex rel. Jordan v. Becker*, 329 Mo. 1053 (1932).

cent of the population has 26.1 per cent of the senators and 24.2 per cent of the representatives. Unless the rural counties succeed in getting through a constitutional amendment similar to that defeated in 1932, it seems likely that Washington, through the use of direct legislation if the legislature fails to act, will continue to have an apportionment based on population in both houses. That the rural counties, having lost control of the legislature, can regain enough to get the two-thirds vote necessary to submit a restrictive constitutional amendment is doubtful; as long as Seattle displays moderation in the apportionment acts it advocates, Spokane and Tacoma are unlikely to join the rural areas in any changes.[27]

This survey of the representation of some of the leading metropolitan districts suggests a few general conclusions. When, as in the case of Providence and New York City, the discrimination against the metropolitan districts parallels a clear-cut partisan line-up, there is little hope for any change except with the rise of the party with which the city voters are affiliated. Furthermore, where several smaller cities hold the balance of power between the large metropolitan area and the rural and town voters, little can be accomplished in the way of change if those cities are hostile, as in New York for partisan reasons or as in California for sectional reasons. Seattle has had to rely on lack of opposition in Spokane and Tacoma. Chicago and Cleveland need the support of the downstate cities. More than this, for any successful attempt to get fairer representation there must be agreement within the metropolitan district for some change instead of factional quarrels as in Providence and New York City or political inertia as in Chicago.

It is hardly likely that any change can solve permanently the problem of the relative weight to be given in the representative body to the cities, but it is certain that even a temporary solution requires a removal of some of the constitutional restrictions upon them. In addition, it is apparent that the legislature is an unreliable agent for the passage of apportionment statutes which change the balance of power within its own membership.[28] A change in method is necessary, so that there may be at least a guarantee of some legislative action, enforced by the possibility of popular initiative or apportionment by an administrative body in case the legislature fails to act.

Metropolitan Districts

	Per Cent of State's Population (1930)	*Per Cent of Representation In Senate (1937)*	*Per Cent of Representation In House (1937)*
Atlanta	12.8	3.9	2.9
Baltimore	58.2	27.6	38.3
Birmingham	14.5	2.9	4.7
Chicago	54.0	41.2	41.2
Denver	31.9	28.6	27.7
Detroit	43.5	25.0	24.0
Los Angeles	40.8	5.0	40.0
New York, New York	62.3	54.9	46.7
New Jersey	72.1	38.1	70.0
Philadelphia	26.0	20.0	24.0
Portland, Oregon	39.7	26.7	28.3
Providence	92.8	54.3	84.0
St. Louis	28.6	20.6	14.7
San Francisco	22.7	15.0	22.5
Seattle	29.6	26.1	24.2
Wilmington	63.9	29.4	28.6

[27]F. W. Hastings, "Voters Initiate Reapportionment," *State Government* Feb. 1931: 7; J. O. Oliphant, "Congressional and Legislative Redistricting in Washington," 21 *National Municipal Review* (1932): 340.

[28]For a discussion of some of the suggested changes see D. O. Walter, "Reapportionment and Urban Prosperity," 195 *Annals* of the American Academy of Political and Social Science (1938): 11-21.

An Inventory of Baltimore's Tax Savings Department

Many home owners take advantage of city's plan to accumulate amount of taxes by frequent small payments into a tax savings account.

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THE city of Baltimore, Maryland, was one of the few large cities to remain financially sound before, during, and after the depression. Its record in the collection of taxes is one of envy. The reasons for this are many, not the least of which is the effort expended by Baltimore's Bureau of Receipts to make the collection of taxes at least fairly pleasant psychologically through courtesy, simplicity, and interest-provoking graphs. When one steps into the Bureau of Receipts he is met by attractive signs such as, "You get more for your tax dollar than any other dollar you spend." An understandable diagram accompanies this 1938 tax collection slogan showing where each cent of the tax dollar goes. Every year a unique tax collection campaign is launched to educate the public to the advantages of the prompt payment of taxes.

In addition an extraordinary attempt has been made to put into practice the Adam Smith canon of "convenience of payment." For over a decade Baltimore has had contracts with some three score banks in the city to act as collectors. Also citizens may deposit to accumulate their taxes through savings accounts in the banks. With the crash of so many banks in 1932 and the first quarter of 1933, however, numerous citizens lost the money which they had deposited as a savings towards their taxes. Many others no longer trusted the banks and attempted to hoard the money in their homes, subject of course to the temptation of spending it for other purposes. Small home owners and people of small means found it increasingly difficult to pay their taxes in a lump sum and many defaulted.

To make matters worse, Baltimore's city charter provided no method for paying taxes by installments, and the state legislature was not to be in session again for two years, so that even the cumbersome path of securing an enabling act from the legislature was not open. At this juncture (May 1933) Thomas G. Young, collector and manager of the Bureau of Receipts, introduced the idea of a Tax Savings Department to assist taxpayers who found themselves in this plight.

Concisely, the plan is an arrangement between the city collector and the taxpayer by means of which the latter may accumulate his tax money gradually by depositing small amounts of not less than one dollar at any one time. The taxpayer presents the bill he wants to pay to the cashier of the savings department. The cashier proceeds to record this information and enters in a pass book whatever amount the payer deposits. The pass book and transaction is similar to that of a savings account in a bank, thus making the proceeding a familiar one to many. A notation is made on the tax ledgers that a savings account has been opened, but no credit is entered thereon until the account has been paid in full and closed in the tax savings department.

If one-half of the city tax has been accumulated prior to final payment, the interest or discount rate applicable to tax payments at that time is charged or credited to the account and the rates applying at the time of final payment are applied to the remainder of the bill. In short, this has the general effect of reducing the amount on which interest and penalty would be charged. If the amount is accumulated during the discount period, the taxpayer is given the benefit of the discount on the amount paid. Unlike a bank, interest is not given on the deposits. The rules and regulations are meticulously, yet clearly, set forth in the pass book so that the taxpayer need not have any doubts as to the process or its function.

Nearly five years have elapsed since the inauguration of this scheme, and an inventory may now be taken with profit. The accompanying table presents statistical data on the operation of the plan from its inception to January 1, 1938. At the outset it may be stated that there are many figures and estimates not yet worked out by the department by which one could better judge the results of the plan. Nevertheless, enough data is available to ascertain the general trends and uses of this type of installment payment of taxes.

FIVE YEARS OF BALTIMORE'S TAX SAVINGS DEPARTMENT

Year	*Accounts Opened*	*Accounts Liquidated*
May '33—		
Dec. '34	36,054	21,329
1935	16,611	19,883
1936	19,315	17,919
1937	18,793	18,568
Total	90,773	77,699

Year	*Amounts Collected*	*Amounts Liquidated*
May '33—		
Dec. '33	$ 370,316.86	$ 179,443.26
1934	2,214,372.24	1,860,000.18
1935	2,462,055.26	2,457,903.19
1936	3,694,999.72	3,602,299.99
1937	4,153,968.29	4,194,688.57
Total	$12,895,712.38	$12,294,335.20

By the end of 1934, 36,054 accounts had been opened. Of these, approximately 16,000 were to the credit of the Baltimore Emergency Relief Commission. This commission deposited certain portions of the checks for those on relief towards their taxes. This arrangement was highly unsatisfactory because there was little opportunity for those on relief to deal directly with the tax savings department. To have the commission deposit money of varying amounts resulted in confusion and frequently led to disputed claims. From the beginning the idea of large collective deposits by one agency did not work and the accounts were soon discontinued.

It will be noticed that from the start there has been a consistent increase in the number of accounts opened,[1] amounts deposited, and amounts liquidated. An account is said to be liquidated or closed when a depositor has accumulated enough to pay his tax bill, including interest and penalty.

Figures on the number of taxpayers in the city of Baltimore are not available. Officials do not care to offer an estimate because there are so many individual duplications, i.e., the same person may pay a personal property tax,

[1]The only exception to this occurred last year. Although 522 fewer accounts were opened in 1937 than in 1936, the total amount accumulated in 1937 was $458,969 more than in 1936.

tangible and intangible, and any number of special assessments and licenses. One may examine the total amount collected from all sources, however, and from this note the percentage of the total amount collected through the savings department. In 1934, 6.65 per cent of all tax collections for the city were accumulated by the tax savings department; in 1935 this percentage rose to 7.58; in 1936 it increased to 10.70; and in 1937 to 11.10. Again this shows that there is an increased use being made of the arrangement.

It is very obvious, however, that the plan is not responsible for the collection of a large percentage of tax money, nor can it be said to be utilized by a large percentage of the taxpayers. Yet even quantitatively speaking it cannot be said that any plan which assists some 19,000 persons yearly to pay at least part of their taxes on time as well as showing promise of bringing upward of $4,000,000 annually into the Bureau of Receipts, is insignificant. Besides, it gives the city a considerable amount of funds for immediate use to meet fixed charges and current operating expenses.

Further scrutiny of the plan reveals that it performs a greater service in the collection of back taxes than of current taxes. In 1936, for example, approximately $3,695,000 was collected through the department, yet only $580,000 of it was collected for current taxes. In commenting on this, however, Mr. Young, the collector, said: "At the end of each year there has usually been a balance to be carried over in the tax savings department of approximately $500,000 which has increased our percentage of current taxes collected approximately 1½ per cent; and inasmuch as the price of city stock and the city's ability to borrow at low interest rates is directly affected by the percentage of tax collections, the advantage of having the installment system is very evident."

No attempt has been made by the department to discover how much the collections through the savings has figured in the reduction of arrears. This information, according to Mr. Young, will be available in the future. The department also has not attempted to keep records of the proportion who liquidate their accounts before interest and penalty begin (August 1st). From the figures cited above it may be deduced that only a small minority do so. The two months in which the largest number of accounts are opened are January and July. The latter instance suggests that many begin their accounts when they see their bills going into arrears and the consequent penalties beginning.

SMALL HOME OWNERS HELPED MOST

The greatest virtue of the plan lies in a different realm, a realm frequently overlooked by the reputedly cold blooded tax collector. The plan was originated and designed to help people of small means, particularly the small home owner, to pay taxes in installments. In this it has succeeded well. No account may be opened for a tax bill of less than ten dollars. However, larger taxpayers also have opened accounts, some upward of $20,000. (In the latter category are persons having the same names as a nationally famous sports writer, movie actress, and orchestra leader.) The majority of accounts, however, are those whose annual tax levy is about $110. This class of tangible property owners, i.e., those who occupy their own property, has benefited most by the plan and several hundreds would have lost their homes had they not been able to save a little each month for the purpose of paying taxes.

An examination of the individual accounts is illuminating. The average deposit runs about ten dollars, and a considerable majority of accounts show definite evidence of budgeting. For in-

stance, the depositors come in at regular intervals and deposit the same amount each time. Many bring in ten dollars once a month. Frequently, one sees deposited eight dollars one month and twelve dollars the following month in an effort to maintain the average ten-dollar balance. A great many come in weekly and deposit two to five dollars. In this manner taxes may be included in the taxpayers' current expenses.

CIVIC RESPONSIBILITY DEVELOPED

In short, the plan is encouraging and teaching the citizen to save for payment of his taxes. It makes him tax-conscious and leads him to budget his personal finances accordingly. The cashiers report that large numbers remark that it has helped them to learn to budget their personal accounts not only for taxes, but for all other expenditures. This is one of the intangible but important contributions of the system. One need but stand by the cashiers' windows a few moments and listen to comments to appreciate this fact. Many come in to apologize or explain why they only paid eight dollars last month instead of ten dollars and that they are going to deposit twelve dollars next month to make up for it. Negroes and other racial and national groups have been particularly outspoken in their praise of the plan. They return to their respective neighborhoods with considerable enthusiasm and on their next trip to the Bureau of Receipts bring friends with them to open accounts. Remarks also lead one to believe that the plan is helping to develop some sense of civic responsibility and an interest in discharging one's duty financially on an orderly and planned basis.

An arrangement such as this helps people who have not done so in the past to save for the purpose of paying taxes. Many struggling taxpayers unfamiliar with banks would prefer giving over small payments to the city. Although one may utilize a savings account in a bank to accumulate money at interest for the purpose of discharging his tax levy, there are two disadvantages. Particularly in the past there was the danger that the bank might become insolvent. Also, money deposited in a bank may always be withdrawn for other purposes, whereas money once deposited in the tax savings department will not be refunded. Then, too, there is always the possibility that the length of time needed to accumulate funds in the bank for the total tax levy would necessitate penalty and interest for going into arrears. As a matter of fact the cashiers are able to show many instances where the citizen saves by depositing his money from the beginning in the Bureau of Receipts rather than to accumulate the sum in a bank paying interest, even though no interest is allowed by the Bureau of Receipts.

Parenthetically, it may be remarked that because the tax savings account bears no interest and because more people in Baltimore pay their taxes through the banks rather than over the counters of the tax savings department, the banks have not offered protest that the scheme offers competition with them, unfair or otherwise.

For the business man the arrangement provides for liquidation of taxes on the same basis as rent and salaries. As in many other cases, there has been no study of the number of business men who pay their taxes by installments and the authorities are not ready to estimate the number other than to claim that it serves an impressive number of the smaller businesses.

Another advantage which may be claimed is that an opportunity is provided whereby surplus funds on hand may be invested in a tax savings account to pay future tax bills. It is not

without significance that in 1937, over 1,100 accounts were opened prior to December 31st for the purpose of building up an account to pay the 1938 tax bill and to take advantage of the discount offered by the city for prompt payment of taxes. By December 31, 1937, $85,303.39 had been deposited in advance against the 1938 tax bills and one payment of fifty dollars was made on a 1939 account.

Two other observations might be made. Although accurate figures are not available, the authorities point out that a good majority are "repeaters", i.e., they utilize the service annually and year after year re-open accounts. This indicates that they have developed a tax saving habit and have learned to live on a budgeted account accordingly.

Although it is permissible to deposit by mail, the cashiers report that not more than one person in every ten does so. The great majority prefer to come in person even though carfare amounts to a sum considerably higher than the postage. Not the least among the reasons for this seems to be that the citizen enjoys chatting and making inquiries about his account.

CONCLUSION

The tax savings arrangement as now operated in Baltimore has some superiority over other more conventional installment plans. In the first place it is more flexible. The citizen may come in at a time of his own choosing and deposit an amount of his own choosing. It affords opportunity, therefore, to pay at a time, according to a method, and in an amount to suit the taxpayer's convenience. There is no penalty for failure to meet one's installments other than the general penalty for taxes in arrears. If the taxpayer reports at the office, makes some deposit, and indicates an intention to meet his tax obligations, the collector has shown extraordinary leniency and discretion. The cashiers perform the function of consultants and they impressed the writer as being men possessed of insight into human nature as well as understanding and sympathy.

In a conventional installment plan a considerable office staff must be employed for follow-up work on defaulted quarterly or other periodic payments. In the tax savings plan no staff is needed for this work and the annual operating cost is estimated by Mr. Young as $7000, which is considerably below the figure for the operation of an ordinary installment scheme of the same magnitude. The initial outlay of the respective plans would be approximately the same.

Quantitatively speaking, the plan serves only a small minority of the taxpayers and efforts to popularize the scheme have not resulted in any wholesale conversion. But it must be remembered that it requires time to change the tax-paying habits of people, habits which have always been notoriously lackadaisical. The consistent upward trend both as to the number of accounts and the amounts involved speaks well for the scheme. Furthermore, no city desires a majority of its citizens to pay taxes in installments.

The greater asset of the plan is not on the financial but "human" or "personal" side. Every installment plan should be designed to help that minority who, though they are conscientious, are unable to meet their obligations on time. The tax savings principle has helped to allay that fear of loss of home and the sense of insecurity which has stalked the small home owner. Its existence might be justified on that score alone.

The plan was inaugurated under the administration of Mayor Howard W. Jackson during the depression crisis as an emergency measure. However, it has

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Maine's Emergency Municipal Finance Board

A significant experiment in state control for relief of the ills of bankrupt municipalities which merits attention of students of government.

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ON AUGUST 11, 1937, the Maine Emergency Municipal Finance Board (created by act[1] of the 1937 legislature) took over the administration of the town of Van Buren. Similar action has since been taken with regard to the town of Connor, the city of Eastport, and St. Francis Plantation. These developments climaxed a movement started in Maine some five years ago[2] to provide a method by which the state might exert more control over municipalities in financial distress and aid in their rehabilitation.

While the board actually has assumed control of only four municipalities, there are at present other cities, towns, and plantations which appear to meet the conditions requisite for the assumption of control by the state. The 1937 act provides that the board may take control of any municipality which "becomes one year and six months in arrears in the payment of its taxes to the state in full or in part or defaults on any bond issue or payment of interest due thereon or refuses or neglects to pay school and other salaries due and has also received, from the state, funds in support of its poor," provided that "such delinquency is not due to disbursements for emergency relief not reasonably to be anticipated or to other unavoidable misfortune." In short, state control may be applied to municipalities which have received from the state funds in support of their poor[3] and which meet any one of the other qualifications quoted above.

Since there are only forty municipalities[4] which have received from the state funds for such poor relief, the maximum

[1]Chapter 233 of the public laws of 1937, amending chapter 284 of the public laws of 1933, special session. The board is composed of state officials *ex officio*, as follows: state tax assessor, *chairman;* state auditor; treasurer of state.

[2]An act creating an emergency municipal finance board was adopted at a special session of the Maine legislature in 1933 (chapter 284 of the public laws of 1933, special session), but because it was thought to be unenforceable no action was ever taken under it. It empowered the board therein created to take over any municipality which "becomes six months in arrears in the payment of its taxes to the state in full or in part or defaults on any bond issue or payment of interest thereon or refuses or neglects to pay school and other salaries due." Among the reasons why this act was thought to be unenforceable was the fact that it made no provision for suspending the enforcement of claims against a municipality while the board should be in charge; moreover, under the act the board lacked certain powers as to finances which were necessary in order to make its control effective.

[3]In Maine the towns have the obligation of relieving the poor ("paupers") who have a "settlement" in the town, while the state assumes responsibility for all others. The words in the act refer not to contributions by the state for regular "state paupers" but to contributions by the state for the support of poor who are, under the laws of Maine, properly town charges.

[4]At the present time in Maine there are five hundred and eleven cities, towns, and plantations.

possible extent of state control at this time cannot be in excess of this number of municipalities. Just what this maximum possible extent is depends upon how many of these forty municipalities meet at least one of the other requisite conditions for state control. Sixteen of the forty, including the four already taken over, are now at least one year and six months in arrears in taxes due the state. Statistics are not available to show how many of the remaining twenty-four municipalities have failed to meet at least one of the other obligations quoted above from the law. Even if such statistics were available, it would still be impossible to ascertain how many of the forty municipalities could be taken over, since the board must determine in each case that the delinquency reasonably could have been anticipated and avoided. Moreover, it appears that the policy of the board is to limit its activities to those municipalities where there is some definite expression of local sentiment in favor of state intervention.

POWERS OF BOARD

As to the powers of the Board of Emergency Municipal Finance and/or its agents with respect to a municipality which is taken over, the statute provides, briefly, that the board may "take over and regulate the administration of the government of said town, city, or plantation and the management of the financial affairs thereof *and administer the same to the exclusion of or in coöperation with any other local government or governmental agency*" and to appoint one commissioner, in cases of municipalities under five thousand population, or three commissioners in larger municipalities, "to act under the direction of said board with relation to the government and management of . . . the said town, city, or plantation"; to declare the office of any official of the municipality vacant temporarily, and to appoint successors to any or all such offices or to appoint a manager or agent to administer two or more such municipalities; to "make temporary loans to the extent of the constitutional debt limit" of the municipality, and further "to issue negotiable commissioners' certificates, *such certificates to be a preferred claim against all the assets of said city, town, or plantation*"; to "lay assessments upon the property in said city, town, or plantation, and to collect the same, for the purpose of paying deficiencies and accounts previously contracted by said city, town, or plantation"; and to continue in charge of the government of the municipality "until such time as its taxes due the state, or loans made therefor, expenses, or obligations incurred by said commissioner or commissioners, or the Board of Emergency Municipal Finance, shall have been paid and until, in the opinion of the commissioner or commissioners or the Emergency Municipal Finance Board, the financial affairs of said city, town, or plantation may be resumed under local control."

The act further provides that during the time the commissioner or commissioners are in charge of a municipality no suit shall be brought against such commissioner or commissioners or against the municipality; that the "enforcement of all claims, liens, debts, judgments, attachments, or other actions then pending or subsisting against such municipality shall be suspended and continued until said commissioner or commissioners shall have completed their duties and relinquished their authority over such municipality"; and that during said period of control the statute of limitations shall not run on any obligations of the municipality.

DEGREE OF CONTROL EXERCISED

While the act is not entirely clear on the point, it appears that the degree of control which may be exercised by the board over a municipality may range from that of a case where the regular

town government is maintained, with the annual town meeting and the usual municipal officers and officials continued in force, the board serving merely in a supervisory and advisory capacity, to that where all semblance of local self-government is abolished and the board assumes full control even to the point of eliminating the annual town meeting and the selection of any local officials whatsoever. Some wording in the act seems to imply that the latter situation was not contemplated by the legislators, as, for example, the following: "A sum sufficient to cover such expenses . . . *shall be appropriated each year by the city, town, or plantation* and shall be paid by said city, town, or plantation upon requisition of the commissioner or commissioners," and, further, "*no appropriation shall be made and no debt incurred* except with the approval or upon the recommendation or requisition of the commissioner or commissioners."

On the other hand, it appears that ample authority is conferred upon the board to enable it to assume, temporarily at least, absolute control of a municipality should it see fit to do so; it is given power to dismiss all municipal officials and to appoint their successors or other agents, and to vote them compensation for their services; to incur "such other expenses as they may deem necessary"; to make loans and to issue negotiable commissioners' certificates; and even to lay and collect "assessments upon the property" in the municipality "for the purpose of paying deficiencies and accounts previously contracted by said city, town, or plantation."

The question of whether the board might continue indefinitely to administer a municipality without the holding of town meetings appears to hinge upon the proper interpretation of the last quoted provision, namely, whether the words "deficiencies and accounts previously contracted" refer to obligations incurred by the municipality before the assumption of control by the board or whether they include any obligations contracted for before the assessment is made, whether by the board itself or by the municipality before the taking over by the board. If the former is the correct interpretation, then the board would in time be required to have authorization from the town for levying taxes or assessments, in order to raise revenues for its continued operations, for while the board clearly enjoys the power on its own authority to make temporary loans and to issue negotiable certificates on the municipality, these, of course, cannot be issued in excess of the constitutional debt limit. But if the provision in question may be construed to give the board authority to lay assessments on property to pay indebtedness incurred by it as well as that incurred before its intervention, then the board enjoys all the powers now vested in the municipal officers and voters in town meeting, and so would not be obliged to secure the approval of the town for any of its actions, including the levying of taxes or assessments.

Now, inasmuch as the act confers such comprehensive and far-reaching powers on the board, the question at once arises as to why the voters or officers of certain municipalities have seen fit to request the board to take over the government of their respective municipalities. The answer seems to lie in the fact that Maine law provides *that the private property of the inhabitants of municipalities may be taken to pay any debt due from the municipality*.[5] In fact, the provision in the 1937 law to the effect that enforcement of all claims, liens, debts, judgments, and attachments against a municipality are suspended during the period the

[5]Chapter 56, section 116 of the revised statutes of 1930; see also chapter 98, sections 30-32 of the revised statutes of 1930.

board is in charge has been the main consideration prompting such local action in each case in which the board has thus far been requested to intervene. In Van Buren, for example, the municipal officers and a citizen's committee unanimously requested the board to take over the town government as the direct result of the fact that certain large creditors of the town had threatened suit, which might have resulted in the attachment of private property in the town to satisfy a judgment in favor of the creditors.[6]

FIRST TOWN UNDER STATE ADMINISTRATION

The town of Van Buren is in the extreme northeastern part of Maine. It is on the international boundary, separated by the St. John River from the Canadian province of New Brunswick. In 1930 the population of Van Buren was reported as 4,721—an increase of 127 over 1920.

Van Buren clearly suffers from the loss of three major lumber mills and the single large pulp mill which formerly operated in the town.

The fiscal position of the town on August 11, 1937, the date on which state control was inaugurated, was as follows:

ASSETS

Cash on hand	$ 2,203.58
Money in closed banks	5,251.51
Tax deeds	1,536.45
Tax liens 1933 to 1936	28,602.93
Unpaid taxes 1931	4,706.58
" " 1932	4,955.56
" " 1933	1,620.44
" " 1934	2,537.53
" " 1935	3,168.79
" " 1936	6,024.60
" " 1937	52,155.37
Notes receivable	404.25
	$123,568.21

LIABILITIES

Accounts payable	$59,443.09
Bank holiday checks	1,053.92
Accrued interest:	
On notes	11,796.04
On bonds	12,730.00
Notes payable	52,252.59
Bonds payable	85,000.00
Reserve for tax losses (by special vote)	2,548.88
1937 appropriation accounts	4,810.97
State of Maine state tax	11,000.00
Aroostook County tax	21,563.22
	$262,218.71

The net debt[7] of $138,650.50 is approximately 14 per cent of the assessed valuation of the town (1936), and about $29.37 per capita. The gross debt (which is worth some consideration since it seems likely that some of the assets will not be realized) of $262,218.71 is approximately 26 per cent of the assessed valuation of the town (1936), and about $55.54 per capita.

Examination of tax rates reveals that the Van Buren rates of the past decade have, for the most part, been above the state average of rates, the 1937 Van Buren rate being seventy mills. From 1932 to 1936 the assessed valuation of Van Buren dropped by more than 50 per cent—from $2,075,041 to $1,001,000; and the property tax levy fell from $99,601 to $62,263.[8] This gives merely an impression of the situation. Information is not available for the sort of detailed analysis which is desirable.

A study of the levies and collections in Van Buren is likely to be misleading.

[6] All this was brought out in a meeting held in Van Buren before the board voted to take over the town and which was attended by the town selectmen, a citizens' committee, a representative of the board, and the authors.

[7] Under article 34 of the Maine constitution the debt limit of the town is fixed at 5 per cent of the last regular valuation, or approximately $50,000. This does not mean, however, that so much of the present debt as exceeds said debt limit is invalid, since the question is not whether the present debt exceeds the constitutional limit but whether the debt was legal at the time incurred, even though the valuation has subsequently dropped.

[8] These figures do not include the relatively minor supplementary assessments and levies. Consequently the 1936 property tax levy listed here is about $2,000 less than that computed from the March 1937 town report.

In three of the years of the past decade (including the fiscal years ending in 1936 and 1937) collections have exceeded the respective levies of these three years! In a number of years, however, collection of back taxes has been an important factor. About 40 per cent of the collections in the fiscal year ending 1937 were of back taxes. Further, it is important to note that it is not possible to tell in just what measure taxes have been paid in the form of town orders. Certainly in some measure it has been the practice to employ persons in order that they may be able to pay their taxes.

While one cannot be certain as to just what the Van Buren collection figures mean, it is interesting to note a changed relation between these collections and potato prices. From 1923 to 1930 collections and potato prices, from year to year, moved in the same direction in six out of the seven years—that is, with the exception of the changes in these items from 1925 to 1926. From 1930 to 1936 collections and potato prices, from year to year, have never moved in the same direction. The influx of relief funds appears to have upset the relations between town finance and potato prosperity.[9]

The foregoing does not suggest a solution for Van Buren; that probably will not be found until there has been a thorough economic study of various avenues of rehabilitation or readjustment. It is a difficult case of a town which has lost its industries.

[9]Prices used in this analysis are Aroostook County potato prices for the period 1923-1930 inclusive, and Maine prices after 1930. The price figures are for farm price per bushel on December 1st, except the 1935 price which is a season average and the 1936 price which is an estimate. The contrariness of these potato prices and Van Buren collections after 1930 is so great that the lack of uniformity in the potato price series could not be an explanation of it. The potato prices used in this analysis were taken from the Maine Crop and Livestock Review Series, published by the Maine State Department of Agriculture.

CONCLUSION

What will be the results of the assumption of state control in Van Buren, Connor, Eastport, and St. Francis Plantation, as well as in the other municipalities which may be taken over, is as yet a matter of pure conjecture. Some of the members of the board, and others, cherish the hope and belief that by careful and far-sighted management and planning they will be able in time to effect a fiscal rehabilitation, so that in a few years the board may withdraw from the towns and return their governments to normal local control.

Among other things, the board hopes in the near future to effect a scaling down of the municipal debt, especially in the case of Van Buren, by collecting outstanding taxes and possibly by inducing the creditors to agree to some plan of liquidation of the town indebtedness—a plan of virtual bankruptcy proceedings. In the latter connection it is significant to note that, should the board choose to be arbitrary in the matter, it could virtually force the creditors of a town which it has taken over to agree to terms of debt payment dictated by it, for the reason that, under the act, the board may remain in charge of a town until such time as in its opinion "the financial affairs of said city, town, or plantation may be resumed under local control"; in other words, the board could "starve" the creditors into submission by remaining in charge of a town indefinitely, during which period of state control the creditors could bring no suits against either the board or its agents or against the municipality.

All the above, of course, is predicated on the assumption that the act creating the board is constitutional and will withstand a court test. As yet, the constitutionality of the act seems not

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County Manager Government in Virginia

Two counties have adopted the manager plan under the state's optional act; a third is operating under a special manager charter.

CHARLES J. CALROW
Virginia State Planning Board

THE possibility of improving the county government system has engaged the attention of the general assembly of Virginia for some time.

In 1930 the general assembly by statute created a continuing commission for the purpose of drafting and recommending to the assembly legislation concerning the county governments of the state and further charged with the duty of analyzing and interpreting statistics and ascertaining facts as to county government. The commission, officially known as the commission on county government, has five members, all appointed by the governor for terms of four years and with provision for overlapping of membership. This commission, formerly headed by Dr. Robert H. Tucker, professor of economy and business administration of Washington and Lee University, is now headed by Dr. George W. Spicer, professor of political science of the University of Virginia.

The first result flowing from the labors of this commission was the adoption by the general assembly in 1932 of the optional county government act. Another result was the adoption by the assembly at the session just mentioned of an enabling act permitting the consolidation of two or more counties under a single governing unit.

The optional county government act is an enabling act permitting any county, by a majority vote, to adopt either of two forms of government. One of these forms is designated as the county manager plan and the other as the county executive plan.

Under the county manager plan the board of supervisors, that is to say, the legislative and policy-making authority within the county, is elected by the voters of the county as a whole, and this board in turn elects as its executive agent a county manager. The subordinate officers of the county, save those that are exempted by constitutional provision, are in turn selected by the county manager and are directly responsible to him.

In the case of the county executive plan, the members of the board of supervisors are elected as with the county manager plan, and the county executive is chosen by this board, but the subordinate officials are also elected by the board and not appointed by the executive.

In the case of both of these plans, however, there are certain officers exempted from the provisions of the act: the judges of courts, the trial justices, the clerks of the county courts and the sheriffs, and, of course, all officers appointed by state departments.

One striking feature of the two optional plans is the provision for the election of the members of the boards of supervisors by the voters of the whole county rather than separately by magisterial districts as is provided under the older laws. Under the early constitutions and acts setting up the magisterial districts it was stipulated "that each

county should be laid off into districts as nearly equal as might be in territory and population." This may or may not have been done, but in any event, two facts are quite evident, one of which is that the lines of the magisterial districts have remained unchanged for long periods and the second is that populations have been changing and shifting so as to completely upset any former plans for basing the representation in the county legislative body on units of population. As will be shown later, minority control of the legislative body is quite possible under the older county government plan.

Of course, the chief feature of the two optional plans is the setting up of a central administrative head, either a county manager or a county executive, to guide the actions of subordinate county officials, coördinate their activities, and keep watch over their official behavior. Under the old plan such executive or administrative authority as is exercised is carried either by the chairman of the board of supervisors or divided among the supervisors, each one acting as an executive for the magisterial district he represents.

RECORD OF ADOPTION OF THE PLANS

Virginia now has three counties under the county manager and county executive forms of government, but only two of these under the provisions of the optional county government act.

Arlington County. The first county to adopt the county manager plan was Arlington, which operates under a special charter granted by the general assembly. This county presents a very special case, as physically it is actually more of a city or a collection of towns than a county. It will no doubt be recalled that Arlington County covers that area of Virginia which was first ceded to the federal government to form the District of Columbia and afterwards returned to the state by an act of the federal Congress. It is non-rural in character and developed as an urban place of residence to the point that it is substantially a group of villages or small towns forming a suburban territory for Washington itself.

The form of government given to Arlington County is a mixture of city and county government, for example, the charter under which this government operates gives to the board of supervisors certain rights enjoyed by the councils of the independent cities, but with such reservations as to make the effective operation of the board as a city council somewhat doubtful.

The exception of Arlington County from the optional forms act produces other complications in that certain offices formerly elected under the old plan have to be retained, the people of Arlington County having no right to abolish these offices by a majority vote of the electorate of the county as is the case under the optional act.

Because of the exceptional conditions existing, the test of the manager plan in Arlington County does not furnish a fair criterion against which the governments of other counties may be checked.

Albemarle County. Another case is that of Albemarle County, a rural county situated on the eastern slopes of the Blue Ridge and running down into the Piedmont section, largely agricultural in its economy and having for its largest population center the city of Charlottesville, the seat of the University of Virginia. The reorganization of the government of this county under the optional act became legally effective on January 1, 1934, and actually effective during the March following. This county adopted the county executive plan. The present administrative set-up is efficient, and the absence of movements to upset the plan indicates general satisfaction with its operation.

Henrico County. The reorganization of the county government of Henrico County also became legally effective January 1, 1934, but, because of certain litigation, the new government did not actually begin to operate until some months later. This county lies to the east, north, and west of the city of Richmond. It surrounds all of that portion of Richmond, the major portion, lying north of the James River. It is a county of mixed population composition. In the areas immediately surrounding the city, the development has been very largely urban. In some sections suburban strip developments have extended into rural areas. In the extreme east it is a partly agricultural and partly urban-village type of development and in the west it is agricultural. The county, taken as a whole, is not an area, however, in which agriculture is a major interest. The population of this county having varied social and economic backgrounds, there are very naturally some differences of opinion as to the best form of local government for the county.

Two attempts have been made to overthrow the county manager plan and return to the older form. The elections held for this purpose have been won by the advocates of the county manager plan, the last by a majority showing a slight increase over the majority by which the plan was originally carried.

RECORD OF REJECTION OF THE PLANS

To date, five counties have held referenda on the adoption of one or the other of these optional plans, and for various reasons rejected them.

Princess Anne, Roanoke, Hanover, and Chesterfield Counties voted on the county executive plan, and Northampton County on the county manager plan. In some cases the movement for a change in government was tied to plans for ousting the then current official personnel, and under such conditions the desirability of the change was a minor factor in swaying the election.

The last county to vote on the question was Chesterfield County in an election on November 2, 1937. This election was not without its significances. It followed a comparatively lively campaign in which the advantages and disadvantages of the present and proposed forms of government were debated at great length and in some detail, and yet a campaign in which the proponents and opponents of the change were in agreement as to the high character of the existing officials of the county and the relatively high efficiency of the present administration. The argument was advanced by the opponents to the change that it was not necessary to make a wholesale change to obtain good government since they already had it, and they did not know what type of government they would have if the change was made. There is something to this point. The net result of the election was that the movement was defeated by a substantial majority of a very small total vote. Neither the proponents nor opponents had reason to be satisfied with the size of the vote cast.

SIGNIFICANCE OF FAILURES

The question may be asked as to whether the county manager or county executive form of government in Virginia has been a success. Certainly in so far as its adoption by a number of county units is concerned, it has not. The adoption over a period of five years of one or the other of the optional plans by only two out of ninety-nine counties cannot be called rapid progress, but this record may not have the significance that a hasty survey indicates. Other factors must be considered.

Virginia moves rather slowly in making changes in government. This is due somewhat to a natural conservatism,

somewhat to entrenched political interests, and very largely to an apathetic attitude of the people which lasts as long as there is no outstanding failure of government to meet their needs. This disinclination to change may be very largely due to the fact that the county governments have very little to do. They do not have the same amount of public business to conduct as do the governments of the independent cities or even the towns; so while the cities, with one notable exception, and towns have very generally accepted the scheme of manager or executive form of government, the counties have been slow to take advantage of the optional act because there was apparently little business and consequently very little call for a business government. It is quite possible that with the great demands being made on governments for certain social and economic services and the attempt of the state to make the local units participate in the support of such services, the need of some administrative authority will become more apparent in order that the services may be coördinated locally and handled in a businesslike way, and the day may come when a change will be welcomed.

One of the contributing factors to a delay in the adoption of the manager or executive form was the acceptance by the state of the responsibility for the construction and maintenance of county roads, now known as the secondary highway system. This was formerly the largest construction activity maintained by the counties and in a number of them represented the largest, and in all others the second largest, call for expenditure of county funds.

LESSONS FROM VIRGINIA'S EXPERIENCE

One of the lessons gained from the experience in Virginia is that neither of the two forms of county government permissible under the provisions of the optional act is likely to prove cheaper than governments of the old form.

If this be true, how can it be said that government has been benefited by the change? The answer to this question may be found in the following statements:

> (a) In Henrico County the *general tax levy* has been reduced so that while the county spent more on government and service costs, the charge against those who actually paid taxes was appreciably lightened. This was accomplished through a more efficient operation of the tax collecting system.
>
> (b) In Albemarle County the increased expenditures were borne without increase in the general levy. This was also accomplished by a more efficient system of tax collection.
>
> (c) In Arlington County, according to the figures furnished by the commission on county government, it has been possible to accomplish more and at the same time reduce the tax levies for all services from 10 to 17 per cent.

Seemingly, when measured in terms of tax rates, the counties operating under the two plans have cheaper governments even though they spend more. This is a condition perfectly understandable by the operator of a credit business who, by improving collection practices, is able to lay out more for service wages and supervisory salaries and still have greater profits.

It has been one of the mistakes made by the advocates of change in county government to the manager plan to claim that it gave a cheaper government. Within any given governmental unit it is extremely doubtful if this will ever work out. The very fact that a government of this type has been set up means that there are greater demands for a greater number of services and consequently the need for greater expenditures. The new form of government can render services which the old

could not and therein lies a probability that it will always cost more.

Another lesson gained is that if the new plans are to reach the highest state of efficiency, there must be consolidations of existing counties until a volume of population and a degree of assessable wealth needed to permit the thinning of the spread of the supervisory and other overhead costs down to lower ratios has been reached.

The county machinery set up in the optional act could just as well cover a county with population of one hundred thousand as one with only twenty-six thousand. No alterations in the basic plans would be required to make either of them applicable to much larger units than Albemarle or Henrico Counties. The only expansions needed to meet the needs of larger units would be in housing, equipment, and minor employees.

As the counties now stand, it will be utterly impossible to set up either plan in many of these units for the simple reason that the resources of these counties are so small that competent county officers could not be paid and consequently could not be secured.

Still another lesson is that there is need of an educational campaign to offset the claim that the new plans are less democratic than the old plan. As has been pointed out, the bases of representation under the old form of government are the magisterial districts whose borders have been frozen for many years while populations have been shifting. Equal representation on a population basis does not now exist, for example, in Henrico County in 1930 one district had a population of approximately 8700, one more than 10,000, one 6600 and one 4800; yet each of these districts was represented in the local governing body by one supervisor.

In the case of Albemarle County in 1930 there were two districts reported as having around 4400 persons, two districts with 4700 persons, one district with approximately 5000 persons and one district with a population of only 1600 persons, and yet each of these districts was represented by a single supervisor.

The two cases cited are by no means the worst cases in the state. Surely there can be no scheme for apportioning representation in the ruling body of the county less democratic than that holding under the old plan.

The optional act took into consideration the possible need for some recognition of geography and at the same time the need for consideration of the population volume and provided under the optional forms of government for the election of the supervisors by the electors of the county as a whole, but at the same time required their selection by districts. This is a compromise arrangement which prevents a concentration of representation in the more populous centers, and at the same time permits the more populous centers to have a greater weight in selection.

A fourth lesson is that there is need for a further study of county government to determine whether or not it is possible to devise plans recognizing the potentialities lying in the exercise of governmental functions by levels. The present scheme calls for the exercise of certain functions by the state reaching directly down to the people, completely sidetracking the county government, for the exercise of certain state functions by county officials in whose choice the state has no say, and the exercise of control over county affairs by county governments in fields much more restricted than that in which the state holds sway. Study in the suggested field would be a venture of interest.

Editor's Note.—Address before Forty-third Annual Conference on Government of National Municipal League, Rochester, New York, November 19, 1937.

Must Traffic Creep in City Streets?

An efficient transportation system is one of the modern challenges to our cities. The transportation department must not lag in its services to the community.

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EVER since the beginning of civilization man has banded together. The gregarious instinct has led him more and more toward increasingly larger and progressively fewer centers of population. In his efforts to work comfortably, efficiently, and economically, to live near his business, and to distribute the fruits of his labor, he has utilized every possible tool just as soon as it became available in order to achieve these ends. Most notable among these tools is transportation. And in the field of transportation, no element has contributed more than has the automobile. This is especially true regarding regional and local transportation. It has made tremendous contributions to our social and economic life. But in all this the automobile has not been the compelling force in centralization. It has merely served mankind as a valuable servant in his continuous movement toward the city and in his life within the city. The population trend from 1880, when 30 per cent of the people lived in the city, to 1930, when the movement had grown to 50 per cent, proves quite clearly the inexorableness of man's desire and points quite clearly toward the increasing importance of the city of tomorrow and its coördination with rural areas.

In serving mankind, the city must constantly survey its statutes and single out its weak links in order to give them the increased attention which they deserve. And more and more the city is asking itself the bothersome question, *"Must traffic creep in our city streets?"* What is the matter with this important part of the city as a mechanism for living?

The American free-wheel transportation system has outgrown its swaddling clothes and, while it still evinces many growing pains, the time is ripe for a critical analysis of the system as a whole. Clear thinking at this stage of development should produce a recognition of the basic facts and bring about an orderly procedure which should make possible progress far beyond that permitted by the far too common "growed-like-topsy" principle.

It must be recognized at the outset that there is much more involved in transportation than accidents, which are primarily a symbol of inefficiency, and that the real problem goes right down to the roots of organized society and government.

The following are fundamentals of the traffic situation, which are frequently obscured by the mass of detailed complaints. They are believed to be particularly significant and to point the way toward continuing improvement:

Mobility is a function of organized society. No person can escape moving about, either as a motorist or as a pedestrian, in the existence of a normal life. Walking and riding are essential to business or recreation. The inexorableness of this fact makes movement

basic to civilization and thus subject to the same separate and distinct fundamental treatment as public health, water supply, sewage disposal, or fire protection. No city can hope to progress unless this function of mobility is kept on a par with all the other vital functions.

GOVERNMENT RESPONSIBILITY

Recognizing mobility as a function of organized society, society has delegated the responsibility of this to certain units of government. This is the accepted manner in which society acts in an organized way to protect itself and make progress; as, for example, the delegation of responsibility for fire protection and the subsequent establishment of fire departments. In like fashion, society must delegate traffic authority to government and establish a special unit to carry out the essential activities. Government, having accepted the responsibility for providing a traffic facility, must provide one which is acceptable and permits safe and expeditious travel. A failure to do this is in reality a failure of government to serve its citizens in an efficient manner.

The facility (for mobility) as a whole is composed of three integral parts—the personnel (the drivers), the rolling stock (the vehicles), and the roadbed (the street and highway). The facility must include the selection, training, and control of the personnel, the provision of adequate rolling stock, and the provision of a suitable roadbed. Thus, reduced to its elements, the free-wheel transportation system has much in common with the rail transportation system, many of the operating principles of which are directly applicable. It is essential that thereby a recognition of the fact that any facility for mobility or transportation must be considered as a *whole* and that each part must be considered in relation to the other parts. Thus, for example, the roadway must be considered in the light of the operators who are going to drive upon it and the vehicles which they will use.

The present traffic facility indicates a severe maladjustment between the three factors or elements, particularly an inability of the roadbed to absorb the potentials of the rolling stock and to compensate for the inherent weaknesses of the personnel. Any maladjustment in factors of mobility makes accidents and congestion, or "traffic inefficiency," inevitable. Eighty-mile cars cannot be operated upon fifteen-mile streets and forty-mile highways by human beings endowed with a strong desire for mobility without the strain of restraint being too much for human nature to stand. Even in the face of enforcement, which may bring temporary forced adjustment, or educational efforts, which must move slowly and which may never be able to overcome certain basic human desires for mobility, it is believed that human drivers will out-drive the facilities provided for their use, unless these facilities are designed properly for them and their vehicles, and provide a degree of mobility in keeping with their potentials. The essential transportation requirements of city life are so far ahead of the degree of mobility provided today that the mere pressure forces continuous errors.

The major portion of the accident situation is not caused by incompetency or malice upon the part of the personnel, but results from the inability of the personnel to make safe adjustments under existing maladjustments. Furthermore, all of the problems of congestion arise from these maladjustments. The desire for mobility cannot be permanently held in check by law enforcement, nor can people be educated out of their desire. As long as a strong maladjustment or differential exists between the factors, human beings will make errors of adjustment in their attempt to make the current traffic facil-

ity serve their needs. Temporary gains may be made, but in the long run, human nature and its inherent desires will win out and accidents and congestion will continue until the system has been properly balanced. While education and enforcement, the free-wheel counterpart of training and control, are essential, permanent improvement and progress can only come from a deeper consideration of the transportation system as a whole and a balancing of the factors.

HIGHWAYS AT FAULT

The true function of the roadbed is to carry traffic safely and efficiently and a failure to do this falls short of performing an acceptable service. To blame the natural inherent errors of the personnel for traffic inefficiency, is to have a wrong perspective. The facility is built for the operator with his money and must be of such character as to give him safe and expeditious movement. Even a highly trained railroad engineer would have just as many accidents as the average car operator if the transportation were to provide him with grade crossings every 250 feet, a free choice of numerous lanes (one of which would make possible a head-on collision) and constant interference from both sides. It has been adequately demonstrated in many localities that roadbeds in keeping with the requirements and potentials of the personnel and the rolling stock can be built. What is needed is to merely extend the principles which have already proved effective.

The operating performance of the roadway is not in the subsurface structure, but in the supersurface structure. Hardness and width are merely a foundation upon which to build an operating structure. In the earlier stages of the development of the free-wheel transportation system, the engineers made invaluable contributions through the development of hard surfaces, which literally took the automobile out of the mud. This first battle has been won and the engineer must now turn his attention to the second and equally important problem of how to mould and design the roadway from the surface up so that it will deal with velocity and inherent human weaknesses.

The requirements of this facility must be of such character as to minimize the four basic traffic frictions. These four frictions in which are involved all of the basic causes of both accidents and congestion serve to clarify the situation and to provide clues upon which to base a sound engineering approach:

First—Medial Friction—which takes place between cars moving in opposite directions. This results in head-on collisions and sideswipes, and rear-end collisions, produced by drivers trying to turn back into line at the last minute in order to avoid a head-on collision. Through fear of collision, it materially reduces the relative speed of movement.

Second — Marginal Friction — which occurs along the moving edge of a moving traffic stream. This results in accidents from parked cars and vehicles and pedestrians attempting to get into and out of the moving stream. On many streets this friction renders the outside lane almost completely inoperative.

Third—Intersectional Friction—which takes place between cars moving in cross directions. This results in the typical intersectional accident. It automatically reduces the movement capacity of the street system by 65 per cent.

Fourth — Internal-stream Friction—which occurs between vehicles moving in the same direction, but at different speeds. This results in accidents due to attempts to pass and rear-end collisions due to those who find it impossible to pass and at the last minute are forced back into the slower line.

The design of the roadway should eliminate the necessity for the driver to make critical decisions. Human errors

are responsible for many accidents. Whenever possible, good design should make it unnecessary for the driver to make critical decisions. The more automatic the roadway is and the less judgments are required, the more efficient the facility will be. For example, a decision to make a left turn in the face of oncoming traffic represents a critical decision, especially if high speeds are involved. The decision is completely eliminated by the grade separation. A decision to overtake another vehicle by driving on the wrong side of the road in the face of oncoming traffic is eliminated by a raised medial strip which makes it impossible to get on the wrong side of the road.

ELIMINATE NEED OF DECISIONS

If critical decisions cannot be eliminated, then design should at least make it practically impossible for the driver to make an erroneous decision. Since all critical decisions cannot be physically removed at all places because of financial considerations, the next best thing which can be done by design is to at least make it practically impossible for the driver to make certain wrong decisions or judgments. For example, if a decision to make a left turn cannot be avoided by a grade separation or rotary traffic, the least that design should do is to provide turning islands so that the driver cannot make a wrong decision or judgment and cut the corner.

If critical decisions cannot be avoided or wrong decisions made practically impossible, then design should provide physical protection to reduce the severity of the consequences of an erroneous decision—or to compensate for any failure of personnel or rolling stock. There will be many places where full design treatment cannot be given economically or where corrective action alone can be applied for the present. Merely because the roadway surface *permits* of safe operation, however, assuming no human or mechanical failures, does not mean that the traffic engineer has completed his job. Just because a driver commits an error is no reason why the design should require the forfeit of his life—and yet that is exactly what an unprotected bridge abutment, deep ditch, telephone pole, or tree does. Naturally, such potential killers should be eliminated, but if they cannot be, at least they should be protected with guard rails so that, for example, on approach to an underpass center post a wrong decision of the operator in getting in the middle of the road would not result in a direct crash, but merely in a slithering off a protective guard rail back into the correct and safe part of the roadway. The commonest present example of this is the guard rail on the outside of curves.

No matter how good the design as far as possibility of movement is concerned, if the situation permits of decision there will be wrong decisions and, if critical, they will be fatal. Thus, if the function of design is to provide safe movement, it must expect errors and make them as non-injurious as possible.

To accomplish in full the true functions of a completely acceptable facility, a true "limited way" is required. A real "limited way" eliminates the four traffic frictions. It is a way on which there is no cross traffic at any point, no direct access to abutting property, a physical division of opposing lanes of traffic, and accelerating and decelerating lanes for entering and leaving.

At this point the question may well be asked, "That is all very well, but, even granting all that a limited way will produce, will not its comparative costs prevent its extensive use?" The answer lies in the fact that its cost, measured in terms of the volume of traffic it is capable of carrying, is not as high as might be expected and that, naturally, it is not needed everywhere.

Important traffic flow should be concentrated upon a comparatively small number of "quality roadways" and not dispersed over large numbers of "quantity roadways." In the past, when the pressure of traffic accidents and congestion has piled up, there has been a tendency to attempt to reduce this pressure by spreading out the traffic through the widening of existing streets or the building of new ones. Such a procedure completely ignores the velocity and the permanent bottle neck of the intersection at grade. Right angle crossing decisions at even moderate velocity cannot be made safely by drivers and the process of having to stop street "A" while street "B" runs costs 50 per cent of capacity and stopping and starting inefficiencies cost another 15 per cent, leaving the intersection with only about 35 per cent capacity of the traffic which its two streets are capable of bringing to it. To build additional streets or to widen old ones, is merely to spread the accident and congestion virus—the intersection.

The better principle is to concentrate important traffic flows on "quality roadways" which have been designed to carry it safely and expeditiously.

City streets in business districts with intersections at grade cannot be expected to carry traffic at more than fifteen miles per hour nor at the rate of more than 35 per cent of capacity, and a certain number of accidents cannot be avoided. This conclusion, based on traffic studies, indicates that if society desires more than fifteen miles per hour and fewer accidents in its free-wheel transportation system, it will have to seek other basic designs. Even in most residential areas the speed of through traffic cannot rise above twenty, and that usually at an increased accident rate. Thus, the city streets in downtown areas can only constitute an acceptable facility for distribution of traffic which has been brought to it on roadways with greater potential design characteristics.

Highways with nothing but plain flat all-weather surfaces and intersections at grade cannot be expected to carry traffic at more than thirty-five to forty miles per hour—and that at the cost of many serious accidents.

This conclusion, clearly demonstrated by numerous current examples, indicates that if society desires more than average speeds of thirty miles per hour, resort must be had to modern design which is capable of providing safer and more rapid transportation.

An efficient free-wheel transportation system should give to the inter-city regional highway safe average speeds of sixty miles per hour, to the metropolitan feeder roads forty-five miles per hour, and to the local city street distributing system twenty miles per hour, with about one-third of the present accidents. It should be obvious that free-wheel transportation is an important part of an intelligently planned civilization. The basic necessity for mobility has registered its import upon the present system and the symptoms of traffic inefficiency—accidents and congestion—grow stronger and stronger.

The efficacy and economy of good traffic design has been adequately demonstrated and there are numerous examples to forecast what may be accomplished if known methods are translated into applicable units and these units welded together into a complete system.

Traffic must creep in our city streets. To move at fifteen miles per hour, as we view velocity today, is certainly to creep. With city streets as we know them today, no more ever can be expected. Traffic may walk over metropolitan feeder routes. Speeds above thirty-five on mere hard surfaces can be had only at progressive accident rates. And traffic may run over parkways, free-

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The Civil Service in the Constitution

What fundamental changes in the constitution are necessary to improve the merit system and safeguard it from political assault?

H. ELIOT KAPLAN
National Civil Service Reform League

IN THE spring of 1938—the constitutional convention—the chairman of the civil service committee reports briefly as follows:

> Mr. Chairman, your committee has had before it over a hundred proposals to amend article V, section 6—the civil service clause. Were we to adopt all the proposals offered it would make a formidable legislative document. A few will satisfy some, some will satisfy none, and most of them will disappoint everybody. Some of the proposals have merit, but belong in the field of legislation rather than the fundamental law. We have confined our deliberations to amendments affecting the principles of the merit system as a policy of government, leaving to the legislature the task of carrying out such basic principles. We must not burden the basic law with rigid, inflexible, and transitory practices and procedures which must necessarily have to change with experience. Any other course would, we believe, tend to divide the advocates of the merit system, weaken its administration in this state, and possibly result in complete rejection of the whole constitution at the polls.

This might conceivably be the turn that the fight for the "extension and improvement" of the civil service system in the State of New York may take near the end of the 1938 constitutional convention.

In spite of possible jeers of "mossback," "stand-patter," and "reactionary," those who are familiar with and have had much experience with the problems of the merit system in this country will endorse such declaration as sound, practical advice.

No one would be so rash as to contend that the present provision for the merit system in the constitution is so perfect that no change whatever should be considered. All it provides is that:

> Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive.

Tacked on to this simple declaration of principle, in a direct negation of the merit system, is this proviso:

> Provided, however, any honorably discharged soldiers, sailors, marines, or nurses of the army, navy, or marine corps of the United States disabled in the actual performance of duty in any war, to an extent recognized by the United States Veterans' Bureau, who are citizens and residents of this state and were at the time of their entrance into the military or naval service of the United States, and whose disability exists at the time of his or her application for such appointment or promotion, shall be entitled to preference in appointment or promotion, without regard to their standing on any list from which such appointment or promotion may be made.

Originally, the civil service law operated without any constitutional guarantee. From 1883 to 1894 the new system muddled along—honored more in the breach of the principle of merit than in its observance. Indeed, within a few

years of its adoption, the civil service law was riddled with amendment after amendment taking the "teeth" out of it. This gay pastime reached its objective with the passage of the Black act of 1897, which made ducks and drakes of the system. A year's operation under that new venture was enough! The legislature repealed the "joker" and adopted the present law, sometimes referred to as the White law. Further experience with political patriots in the legislatures and recalcitrant civil service commissions compelled the civil service advocates to turn to the fundamental law for safeguarding the fruits of their long victorious fight against patronage.

In 1894 they were successful under the leadership of Joseph H. Choate and Elihu Root in getting through the constitutional convention the present merit system clause. Innocent as it appears at first blush, it has done wonders for New York State. Without it the civil service in New York would have been dragged deeply into the mire.

THE CONSTITUTIONAL PROVISION

What, if any, fundamental changes in the constitution are necessary to improve the merit system and safeguard it from political assault? That will be the question uppermost in the minds of the friends of the career service ideal. There is no way the basic law can guarantee integrity of administration, or wisdom in its application. To attempt to do more than provide for appointment and promotion after examination would carry us rather into the field of legislation. Where to draw the line between the fundamental provisions and legislative functions is not very difficult. We virtually have had it clearly defined for over forty years. The present provision has well served its purpose. This is not to say that there may not be some basic improvements made. But what shall they be?

It has been suggested that all appointments and promotions should be made after competitive examinations—not merely after non-competitive test or without any test as the constitution now permits. Theoretically all positions in the public service could be filled by competitive test of some kind. It is doubtful, however, viewing the problem realistically, whether it would be really practicable to do so under present conditions. Certainly we are not prepared to advocate competitive tests for elective offices under our party system of government. While conceivably we may be able to test the qualifications of all persons for public office—elective or appointive—nevertheless there is considerable doubt as to whether we should apply even non-competitive tests to every public office. We must be mindful that the civil service includes every office and position other than the military or naval service; that it includes the governor, judges of the highest court, the engineer, typist, legislator, school teacher, and laborer. Only the most rabid civil service reformer would have the temerity to suggest the extension of the examination system all the way to the executive, the legislators, and the highest judges. And he who would seriously advocate competitive tests as a means of their selection would be viewed as an extreme idealist. More than the requirement of examination—competitive wherever practicable, and non-competitive otherwise—can hardly be practical.

The second suggestion is that the civil service commission shall be the exclusive agency to determine the practicability of examination—competitive, non-competitive, or no examination at all. Under the present law both the legislature and the commission have concurrent jurisdiction in determining this, but the power of the legislature to except positions from competitive or non-competitive examination is extremely limited by judicial interpretation of the constitu-

tional mandate. Although the civil service commission has a rather wide discretion in the matter, it is also subject to judicial control, although not quite as restricted as the legislature.

It may be argued that it would be wise to vest in the civil service commission the exclusive determination of whether positions shall be filled by examination. In the light of experience and the judicial interpretation that has been placed on the present constitutional provision, however, requirement that the civil service commission shall be the exclusive agency to determine practicability of tests is actually of only academic importance.

SELECTION OF APPOINTEE

The third suggestion is that all appointments should be made in strict numerical order of standing on the eligible list. This appears to be the problem that will receive the most serious attention by the convention. It deserves careful consideration. The original civil service law provided for the appointment of the person standing highest on the list in every case. The courts, however, held this to be unconstitutional (*Balcom v. Mosher,* 163 N. Y. 32) on the ground that the appointing officer had a constitutional right of selection or choice; that the requirement of selection of the highest person virtually made the civil service commission the appointing power and deprived the head of a department of any right of choice. Thereafter the civil service rules provided for a selection of one out of the three highest on the list.

The theorists and the professional politicians strongly advocate the rule of "one of three," though for entirely and patently different reasons. Much can be said for the view of the political scientist and administrator of the necessity of a choice from among the better qualified. They point to the unreliability of the testing procedure of the civil service commissions, and their inability to measure by examination certain intangible factors. Lack of space would prohibit any long discussion of the pros and cons of the problem. There is more rationalizing in advocacy of the rule of "one of three" than real reasoning.

Theoretically a fairly good case can be made out for the present rule of a choice, but actual practice and experience has driven the merit system advocates reluctantly to press for the selection of the highest person on the list as the only practical means of making the civil service non-political. As far back as Mayor Gaynor's time they persuaded him to issue an executive order requiring all his department heads to appoint and promote persons from the eligible lists in strict numerical order. This practice has been followed with rather few exceptions in New York City for over twenty-five years. The practice has been justified by results. It has been the greatest factor in building up the morale of the police and fire departments in New York City, and enhancing confidence in the integrity of the merit system. It has relieved the department heads of terrific outside pressure and harassment. It has worked most satisfactorily in some of the state departments that have voluntarily adopted the practice, as well as in other jurisdictions where it has been invoked. The probationary period is a better and fairer plan of "selection" than any more or less arbitrary selective process practiced or pretended by most appointing officials. The probationary period gives the appointing official more adequate opportunity to test the person's performance on the job. This can hardly be possible by a short interview or cursory examination of the person's "paper" record. The best and ablest officials still find it most difficult to withstand the political and personal

pressure that the rule of "one of three" invites. Experience has shown that the selection is prompted more often by outside influences than made by actual choice of the appointing official. Not overlooking the shortcomings of the civil service testing procedure, it would seem that the requirement of appointment of the first person on the list in every case would improve the system immeasurably and instill greater confidence in its integrity. It may be Hobson's choice, but it is safer and fairer than the present rule.

The Department of Civil Service is now one of the departments specifically provided for in the constitution. There is no constitutional provision for a civil service commission. The suggestion has been made that provision be made for a single personnel director, or at least for a permanent commission. Until we have had more experience with the various set-ups of the personnel agency in our state governments it would be better not to fasten any specific plan in the constitution. We have not yet demonstrated the ultimate efficacy of any one plan. We are still in an experimental stage. We may still trust to the legislature the determination of the composition of the personnel agency, at least until we have made up our minds as to the ideal organization.

There is much to be said for providing in the constitution for a continuing appropriation for the Department of Civil Service to insure adequacy of operating funds to enable the department to carry on its work effectively. Too often the commission has suffered at the hands of a recalcitrant legislature or has been the victim of short-sighted executives ill-disposed toward the merit principle.

Another problem that will undoubtedly receive great attention in the convention is the veteran preference provision. Disabled veterans are now entitled to preference in appointment regardless of their standing on any list. The determination of injury in time of war as determined by the United States Veterans' Administration is conclusive on the commission. The civil service commission, however, must determine whether the disability exists at the time of appointment. Unfortunately, the term disability as used in the constitution does not mean disablement as popularly understood. One suffering from a minor infirmity or slight disability is as much entitled to the preference as one who has lost a limb or incurred other serious handicap. The present preference law has been the subject of much criticism and abuse. Elimination of the preference clause from the constitution would be highly advisable. Those for whom the preference was sought have now had ample time and opportunity to avail themselves of it. There is no longer need for it.

REMOVAL PROVISIONS

Proposals to include in the constitution some rigid scheme for protecting employees against unjust removal will be submitted in large number. They will range from right to review in the courts to the setting up of personnel boards to control or review disciplinary action. A satisfactory removal system has still to be developed. The constitution ought not be burdened with any rigid removal system. Separations from the service are peculiarly administrative problems rather than judicial. Their solution belongs rather to the legislature which must take cognizance of changing conditions in the administration of the civil service. The same may be said for most of the other proposals that may be made, such as advocacy of a specific classification or compensation plan for the state service, efficiency rating system, age limitations, restrictions of oral examinations, and similar matters which fall entirely in the province of legislation.

It would be well not to burden the constitution with these problems of enforcement and administration which have to depend so much on changing conditions in the service. What may be deemed to be practical and workable today may prove to be onerous and impractical at a later time. We should not have to resort to constitutional change every time there is an administrative problem to solve.

It would be the height of wisdom for the constitutional convention to make such changes in the civil service clause as are strictly essential for the establishment of a true merit system—accepting only such proposals as are basically necessary to obtain that objective—and leave to the legislature the consideration of the means of carrying out such fundamental law.

Advocates of the merit system should guard against too much tinkering with the civil service clause in the constitution. The danger is not that we may not get enough—but rather that we may get too much "reform" into the constitution. If the constitutional convention could confine itself to the two major questions of (1) method of appointment and promotion on a merit basis, and (2) elimination or modification of the veterans preference provision, it would be well enough. Other proposals unrelated to these two fundamental principles were better left for consideration by the legislature.

INVENTORY OF BALTIMORE'S TAX SAVINGS DEPARTMENT

(Continued from Page 142)

sold itself, and in many instances endeared itself, to many thousands of people in Baltimore. Although the Jackson regime will be terminated in 1938 these thousands would permit liquidation of the plan by a new administration only under tremendous protest. The fact that all employees in the department are under civil service will also help to maintain it as a permanent institution. There is little question but what five years of the tax savings department have entrenched it as a useful appendage of tax collecting operations. Students of municipal finance will do well to watch its progress. Cities having marked difficulties in tax collection might profit measurably by adopting the essential features of Baltimore's plan.

MUST TRAFFIC CREEP IN CITY STREETS?

(Continued from Page 157)

ways and limited ways. Average speeds of sixty are certainly not beyond the realm of human efforts, especially in view of the fact that design, in terms of functional velocity, has had so few applications thus far and certainly must be destined for continuing improvements.

The city of today must take stock and look forward to the city of tomorrow, so that its transportation department will not continue to lag behind all of its other services to mankind. And this problem, like all others, can only be properly dealt with through the delegation by society to government of the specific function of mobility. Certainly an efficient transportation system is one of the modern challenges to our cities and to our government.

EDITOR'S NOTE.—Address delivered before Forty-third National Conference on Government of National Municipal League, Rochester, New York, November 19, 1937.

Letters to the Editor

To the Editor of the National Municipal Review:

Perhaps you do not realize the heartlessness of the inference made in your department entitled "Taxation and Finance," edited by Wade S. Smith, appearing in the Review of January 1938.

On page 51 you will find the following: ". . . nothing has yet been done to correct the definitely damaging record of remitted penalties, postponed tax sales, and compromised taxes." The thought conveyed is that the action of the state legislature in easing the load on the taxpayers without funds was wrong. Further, that steps should be taken to put a strait-jacket on property tax collections again.

The home owner has been told that his home is his castle. He reads that he is the bulwark of the nation, that the more homes owned within a community, the better the community, that he is the mainstay of democracy.

While the man working alongside of him has summer vacations, hunting and fishing trips, weekend football parties, this home owner saves his money and purchases a home. The depression comes, the banks close, he is without income, his savings impounded, and yet Mr. Smith would advocate that the government, supposed to protect its citizens, should crack down and wipe out what has been truthfully called the bulwark of democracy—the home owner.

We are not concerned with those investing from a speculative angle in real estate. The men who enter the real estate business, or invest in such enterprises, take the same chances that any other person does investing in any other type of business. But the home owner's home should be his castle and should have the protection of the government.

In the state of Indiana we have remitted penalties, we have postponed tax sales, we have created a time payment plan for accumulated delinquencies, and we are proud of our record on behalf of the individual home owner and taxpayer. We would not have it otherwise, in spite of Mr. Smith. Furthermore we have found that as soon as these home owners were employed and had funds with which to pay taxes, they have done so.

It would be better if we would be willing to be considerate and more human, especially organizations that are presumed to be organized for the benefit and protection of the citizens and taxpayers of our nation.

Frank J. Murray

Indiana League of Civic Associations, Inc.

No one who reads my column with any regularity can fail to know that I am a firm advocate of every measure for tax economy and spending efficiency which rests upon a demonstrably sound basis.

But tax and penalty concessions, as practised throughout the country in recent years, represent in general anything but a sound approach to the problem of relieving the temporarily distressed home owner. They were almost without exception born of political or economic expediency, devised hastily without thought as to their lasting influence, and all too often were administered as political benefits rather than as means of rehabilitating straitened taxpayers.

The few competent surveys which have been made of tax-delinquent property show pretty conclusively that the chief benefits of compromised taxes and penalties are to the large property owners and the speculators (see the Review in 1933-34-35 for summaries of findings in Detroit, Atlantic City, Beaumont (Texas), Newark, and elsewhere). The fact that badly devised concessions benefited the little fellow as well as the big fellow is not the chief point; the important fact is that too often the big fellow, capable of paying, got away—and that I cannot help but regard as a damaging record, definitely requiring corrective legislation. It is certainly not considerate or humane to the little fellow, temporarily hard pressed for funds, to enact concessions which work without discrimination to allow those able to pay to escape or to pay on a compromise basis.

If Mr. Murray is interested in an elaboration

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Recent News Reviewed

NOTES AND EVENTS
Edited by H. M. Olmsted

Council-Manager Plan Developments.—The National League of Women Voters has announced that establishment of council-manager government heads the list of objectives for state legislation in 1938-1940. Proportional representation, permanent registration, and the short ballot are recommended as correlaries.

On February 4th, Harlingen, Texas, (12,124) put its new city manager charter into operation by the appointment and installation of V. J. Echelkamp as manager.

At a special town meeting held February 14th, Pittsfield, Maine, adopted the manager form of government by a vote of 204 to 149.

Excelsior Springs, Missouri, (4,565) on February 8th voted to retain the council-manager plan, in effect since 1922. The vote was 1,044 for the plan; 866 against.

Little Rock, Arkansas, (81,679) on February 14th defeated the "home rule" proposal which would have authorized the drafting of a council-manager charter. The vote was 5,082 to 1,814.

Des Moines, Iowa, (142,559) on February 12th defeated a council-manager proposal by approximately 23,000 to 16,000.

Voters in Battle Creek, Michigan, (43,573) may soon have an opportunity to vote on the adoption of the council-manager plan. The Civil Service Council, comprised of various service clubs in that city, is sponsoring petitions to place the question on the ballot. Battle Creek now has the commission form.

A Committee of Fifteen in Fort Collins, Colorado, (11,489) is circulating petitions for an amendment to its city charter to secure the manager plan. It is expected that the amendment will be placed on the ballot for the city election of April 17th. Fort Collins is now operating under the commission plan.

Petitions are being circulated in the town of Brunswick, Maine, (6,144) calling for a vote on the manager plan at its town meeting.

A campaign for city manager government is being initiated in Madera, California, a city of about 5,000 population.

In Minneapolis, Minnesota, (464,356) the "Minneapolis United" organization has conducted several radio broadcasts favoring the council-manager plan.

According to the *Los Angeles Times* of February 25th, a new charter for that city will be before the council for consideration this summer so that it may be voted on by the electorate at the city election in April 1939. The city manager plan is already being discussed in this connection.

*

Office of Mayor Retained in Rochester.—Republicans who gained control of the Rochester (New York) city council at the last election advocated abolition of the office of mayor. Under Democratic control the mayor, selected from members of the council, was paid a salary of $5,000 in addition to his salary as councilman. Republicans, when they assumed control, elected one of their members mayor but reduced the extra salary to $750.

A bill abolishing the title and conferring on the city manager the mayor's legal duties with respect to signing bonds and other legal papers was introduced in the legislature but defeated in the senate. The bill provides for the election of one of the councilmen as president of the council with no other duties except presiding over that body.

The present arrangement as operated under the last administration was attacked as inconsistent with the city manager plan in that the mayor had certain executive duties.

HAROLD W. SANFORD

Rochester, New York

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New York City Finance Employees to Train for Careers.—The finance department of New York City offers a course of study for employees, designed to train career men in the department for promotion. Joseph D. McGoldrick, city comptroller, states that he is starting this training course "with a view to building up a department of career men in municipal finance. The lectures which comprise it will be presented in the main by our own experts, all of them in civil service and many of them city employees for the last twenty years."

*

Advanced Schooling for New York Sewage Works Operators.—The Municipal Training Institute of New York State, an adjunct of the State Conference of Mayors, is providing, as part of its educational efforts for municipal officials, advanced laboratory work for the operators of sewage treatment plants. The College of Engineering of Cornell University and the College of Engineering of New York University will present such courses of two weeks duration for and as a part of the general training program of the institute.

*

Cities Take Over PWA Housing Projects.—The National Association of Housing Officials reported in February that the United States Housing Authority has either signed leases or completed agreements to lease fourteen of the fifty-one housing projects it inherited from the Public Works Administration to local authorities, and is negotiating with other such authorities as to lease agreements.

The cities that have entered into the agreements, covering former PWA projects for which $58,960,759 was allotted, are: Omaha, $1,955,000; Buffalo, $5,000,000; Memphis, $3,400,000; Birmingham, $2,500,000; New York (two projects), $13,459,000 and $4,219,000; Chicago (four projects), $5,862,000, $5,316,759, $3,038,000, and $1,725,000; Louisville, $1,350,000; Boston, $6,636,000; Cambridge, $2,500,000; and Toledo, $2,000,000.

Although the national housing program is set up on a decentralized management plan, the NAHO reported major obstacles to immediate carrying out of the decentralization, such as need for state and municipal legislation, inadequate local finances, arrangements for payment for various city services, etc.

Twenty-four of the fifty-one PWA projects which were later turned over to the United States Housing Authority are occupied by tenants.

At least six other local governments have pledged appropriations for low-rent housing projects in the 1938 program under United States Housing Authority financing. They are Knoxville, Charleston (South Carolina), Philadelphia, New York, Bridgeport (Connecticut), and Allegheny County (Pennsylvania).

*

Do Representatives Represent?—About eleven years ago the NATIONAL MUNICIPAL REVIEW published the results of Professor B. A. Arneson's investigation to determine whether members of the Ohio general assembly voted in accord with the majority of their respective constituents.[1] Because of the Ohio constitutional requirement of a roll call on final passage, each legislator's vote was available for comparison with the votes of his constituents on constitutional amendments submitted by the general assembly and on other measures on which a referendum was obtained. Professor Arneson found that the legislators who voted against the proposals were supported 92 per cent of the time, while those who voted favorably (who had to be over one-half or three-fifths of the legislative total, and were usually more) were supported by a majority of their respective constituents only 41 per cent of the time. These statistics seemed to warrant the statement that "it is much more difficult to get the approval of the electorate on a proposal than it is to secure its acceptance by the legislature."

Believing that enough time had elapsed for a similar comparison of the measures referred since 1926, two senior students at Miami University[2] undertook the task. Their findings indicate that during the last decade there has been a marked reversal in the atti-

[1]XVI NAT. MUN. REV. (December, 1927), 751-754.

[2]Wade Lathram and Edward O. Platell.

tude of the voters toward the work of their representatives. Instead of the representative who voted "no," it was the one voting "yes" who was more often upheld by his constituents. Following the procedure employed by Arneson, it was found that 60.25 per cent of the affirmative votes of representatives and only 24.13 per cent of the negative votes had been supported by majorities of their respective constituents. Further indicative of the voters' readiness for change, but impossible to include in the statistical comparison, were favorable popular votes on several initiated measures, constitutional and statutory.

Most of the measures in this later period were voted upon during the years of economic depression. The voters then are more willing to support proposed changes, whereas in more prosperous times their readiness for reform lags behind that of their representatives. It is also possible that the development of the radio has made easier the task of those seeking to educate the voters to the need of reform.

If these studies of the relation between the votes of representatives and their constituents in Ohio are supplemented by similar studies in other states, it may be possible to obtain rather dependable conclusions as to the stages in the business cycle during which success in referenda campaigns may be anticipated by supporters and opponents, respectively, of legislative enactments.

HOWARD WHITE

Miami University,
Oxford, Ohio

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Pennsylvania Local Government Commission Continues Work.—Created in 1935 by the legislature of Pennsylvania to investigate the functions and costs of local government and the possibilities for simplification, the Pennsylvania Local Government Commission has entered upon a third year of investigation into the local governments of that state. Debt service is one of the problems that is being particularly attacked; election costs is another. The commission is assisted by the research facilities of the Pennsylvania Economy League.

*

State Merit System to Be Voted on by North Dakota.—A bill providing for a state civil service system has been drafted by the North Dakota state employees, according to the Civil Service Assembly, and will be submitted to the voters at a primary election June 29, 1938. The bill provides for a civil service commission and a director of the state service.

*

Other Merit System Developments.—According to *Good Government,* organ of the National Civil Service Reform League, the March of Time has just been awarded a place on the honor roll of 1937 by the Civil Service Assembly of the United States and Canada for its popular portrayal of the evils of the spoils system through its moving picture, "The Spoils System." The picture was produced with the aid of the National Civil Service Reform League.

The Arkansas civil service law, effective July 1, 1937, is being attacked by Representative Houston of Heber Springs, who has asked the Governor to include its repeal in his expected call for a special session of the legislature.

A constitutional amendment which would place the merit system in the constitution has been introduced into the legislature of New Jersey. The state already enjoys the benefits of the merit system under legislative enactment.

*

Assistance for Needy Transients.—With laws in most states requiring two- and three-year residence for eligibility for relief, and with cities neglecting care of transient populations that total hundreds of thousands, according to the American Public Welfare Association, plans are being made in Washington for a federal program that would draw the migratory population under the social security act.

A bill recently introduced in Congress proposes resumption of federal assistance for needy transients, and would provide aid to states for such care, making it a part of the public assistance program.

*

National Community Improvement Appraisal.—As the first nation-wide effort to gather first-hand information from the local officials who actually operated the various federal emergency employment programs as to the results of these programs, officials of cities, counties, and states throughout the

nation have been requested to furnish statements of their experience, by the following ten coöperating organizations: American Institute of Architects, American Municipal Association, American Public Welfare Association, American Society of Planning Officials, National Aeronautic Association, National Education Association (department of adult education), National Recreation Association, United States Bureau of Public Roads, United States Conference of Mayors, and the Works Progress Administration.

This survey, designated the United States Community Improvement Appraisal, is first being conducted in each state on a state-wide basis, under the sponsorship of such organizations as the state leagues of municipalities, state planning commissions, state university, or state WPA office. State appraisals started during the first week in February. Midnight of March 8th has been set as the deadline for the filing of appraisal statements. Independent evaluation of the reports submitted by local officials will be made a week after the close for filing statements by committees of civic leaders appointed by the sponsoring state agencies. Then these state evaluations will be sent to Washington, to be summarized by a national committee selected by representatives of the ten national organizations listed above. The Works Progress Administration, by reason of its nation-wide organization, will act as coördinating agency wherever such aid is needed by state sponsors. It is expected that the full national summary of experience will be available for public use early in April.

Included in the purposes of the appraisal is the attempt to answer the following query: "What do these local officials feel their communities have gained or lost in public facilities and services, in the morale of the jobless, in community standards of living, in fiscal standing?"

*

British Ministry of Labour Provides Guide for Careers in Local Government.—In the twenty-first of a choice of career series of pamphlets of the British Ministry of Labour, for use in secondary schools, careers in local government are dealt with, relating particularly to administration, finance, public health, engineering, and education (other than direct teaching).

*

Public Administration Fellowships.—Four educational institutions have announced their annual competitions for fellowships and scholarships in the field of public administration, according to the Civil Service Assembly.

In the new Graduate School of Public Administration at Harvard University, fifteen persons, to be known as Littauer fellows, will spend a year of study in several departments of that institution. The fellowships carry a stipend of $1500 and are open to graduate students of public administration and persons now in government service.

The 1938-39 interneship training program of the National Institute of Public Affairs has been enlarged from thirty to fifty available appointments.

Radcliffe College for the second year offers a training course in personnel administration, designed to prepare students for positions in college placement offices, industrial personnel departments, and government departments. The eleven months' program, beginning July 5th, provides courses in the departments of government, economics, sociology, and psychology, and field work in public and private agencies. Two fellowships of $500 each are available to graduate students with experience.

The University of Minnesota is seeking qualified applicants who can obtain a leave of absence from present government positions for its in-service fellowships in public administration. Stipends vary in amount from $1000 to $1500. Candidates must have been graduated from college, had three years' experience in public service, and be under thirty-five years of age.

The state of Wisconsin has recently devised a unique plan for public service recruitment and training. A 1937 law provides that loans may be granted selected students at Wisconsin's educational institutions in return for a two-year apprenticeship, served when their college work is finished, in administrative offices of state or local governments. The Wisconsin Bureau of Personnel will direct the program which is scheduled to begin in July.

COUNTY AND TOWNSHIP GOVERNMENT

Edited by Paul W. Wager

Tennessee County Unit Plan Held Invalid.—The notorious county unit plan, designed by Governor Gordon Browning and his advisors to curb the politically potent leader of Shelby County, was swept away on February 12, 1938, by a four-to-one decision of our supreme court. An ancilliary lawsuit that challenged the right of six members of the general assembly to their seats because they had held state or county positions contrary to the spirit of the constitutional inhibition against holding more than one lucrative office at the same time, was unsuccessful. The court apparently would have held that the seats had been vacated were it not for the fact that, like all the other commonwealths, each house is the sole judge of the elections and qualifications of the members thereof, and the separation of powers doctrine prevailed.

Readers of the REVIEW will recall[1] that the county unit primary was but a portion of a carefully laid scheme (1) to cut the vote of Shelby County approximately in half by the provision that limited the maximum county unit vote of any county, irrespective of the total popular vote cast, to one-eighth of 1 per cent of the population. The court said: "The one-eighth of 1 per cent limitation on those counties which it reaches amounts to excluding some of the voters from their party's primary or of debasing the ballots of all the voters." Since full participation in the exercise of voting privileges cannot be deemed an evil, " . . . the limitation must therefore be regarded as an arbitrary abridgement of the rights of citizens of the counties affected and accordingly unconstitutional and void." Ample precedent for overthrowing the acts was found in the three Texas primary law cases decided by the United States Supreme Court[2] and equal protection clauses of Tennessee's constitution;[3] (2) to enlarge the state board of elections and pack it with appointees friendly to the governor, and thus to have the power to control every county election board; (3) provide for purging registration lists; (4) create a "crime commission" of three members with the alleged design to intimidate sheriffs, prosecutors, and local officials, and, being empowered to subpoena witnesses, to abrogate the constitutional guarantee against incriminating self-testimony, a weapon which if utilized to the utmost might blacken the reputation of any candidate or citizen in the state; and (5) effect a revision of the ouster law to eliminate jury trials in ouster suits, with its possible use directed against the Shelby County political organization.

It is conceded by lawyers that any sort of county unit scheme of elections is now out of the picture in Tennessee. There is no little speculation as to whether another special session will be called to eliminate the primary election statutes that now remain and to return to the old political convention. Suffice it to say that editorial attitudes throughout the state are relieved by this timely exercise of judicial review. It will also have the effect of bringing local issues to the forefront in the various counties seeking reform legislation, because the progressive forces would undoubtedly have been compelled to hold their plans in abeyance during the battle against the administration this summer. Had the plan succeeded, Tennessee state and local politics would have been cast into the maelstrom and the results could not have been foreseen. The fight is not over by any means, but it may be possible to separate state and county issues in the coming primaries on August 4th.

F. W. PRESCOTT
University of Chattanooga

[1] See December 1937 National Municipal Review, p. 604.
[2] 273 U. S. 536; 286 U. S. 73; 295 U. S. 45.
[3] Art. I, sec. 8; art. XI, sec. 8.

Reorganization of Milwaukee County Recommended.—Milwaukee County is absorbed in the consideration of the important and widely discussed "Jacobs Report" (*Report on Revision of Classification and Compensation Plans Including Summary Recommendations on Administrative Coördination and Simplification*), prepared by J. L. Jacobs and Company of Chicago and the Milwaukee County Civil Service Commission. Had the proposed changes been made at the beginning of the current fiscal year, the economies would have meant "direct and immediate" reduc-

tions of $1,630,000 from the departmental estimates in the 1938 budget and $2,265,000 in subsequent budgets, according to the report. But this speedy action did not materialize. It now looks as if the report may be badly garbled but still precipitate enough discussion to bring about substantial revision in administrative organization and classification and compensation plans. Several of the recommendations are pending before the county board at the time of this writing.

With regard to personnel, the report presents a county-wide plan of uniform classification to bring up to date the original plan of 1917, into which anomalies and inequities have crept during twenty years of phenomenal govermental growth. It points out the need of continuous administration of the new classification by an enlarged civil service staff, to which would be added the present personnel work of county institutions. Recommendations are also made for in-service training and extension of the use of service ratings.

With regard to administrative coördination, the report recommends a unified department of public welfare, consolidating the services of a half-dozen agencies. This would provide an integrated program of public assistance, more effective and economical administration of county welfare units, and a reduction of investigational services through the elimination of overlapping. It is also recommended that central purchasing be extended to all county purchases and that a definite central purchasing organization be set up under the manager of county institutions. Another proposal calls for the "actual coördination and integration of related park administrative services" and the elimination of overlapping and overstaffing. Other suggestions look to changes in county institutions and to a special study of the advisability of central medical direction under the manager of such institutions.

The preliminary or memorandum report called these recommendations "of a conservative character" covering only "the more obvious and pressing changes and improvements," which presumably could be made without statutory amendment or new legislation. But in addition to the obstacles mentioned above, it now appears, according to the county corporation counsel, that relatively simple proposals for administrative coördination must wait upon the approval of the state legislature.

E. L. Johnson
University of Wisconsin

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Missouri County Planning.—The Crawford County Planning Board has been outstanding, particularly in road and financial planning, among the thirty county planning boards in Missouri. All of them were established in 1935.

After its thirty-six members had ascertained local sentiment in each section of the county, the board recommended to the county court (i.e., Missouri county board) that the road and bridge tax be increased from ten to twenty-five cents on one hundred dollars assessed valuation. Assured of popular support, the court immediately voted the higher rate.

The second recommendation proposed the abolition of small road districts, with part-time overseers, and the establishment of a county unit plan with a full-time road crew. The court attempted this recommendation in principle, but established two districts instead of one. The new districts correspond with the election districts of the associate judges.

The third road recommendation was to purchase adequate machinery and equipment. New machinery was purchased, and has been in use since October 1937. Consequently, Crawford County is developing an excellent road program and setting an example for other Missouri counties.

Regarding financial planning, the county board proposed the refunding, by 4 per cent bonds, of $80,000 of unpaid "protested" county warrants. This recommendation was followed, placing the county upon a cash basis and in a sound condition financially.

Being members of the board, the county judges have found its deliberations quite helpful in clarifying public issues. They now regularly refer all major problems to it, making the board an advisory policy-determining body. The board meets monthly.

The success of the Crawford County Planning Board is due to several factors. Its organization was due principally to the Missouri State Planning Board and the WPA road program. It was fortunate from the outset in having the active coöperation of the county

court and other officials, as well as the public generally. It has also had able leadership, its chairman being an intelligent, public-spirited, retired business man.

WILLIAM L. BRADSHAW
University of Missouri

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Consolidation Amendment in Kentucky Defeated.—The proposed constitutional amendment for the consolidation of local governmental units in Kentucky failed in the November election by a majority of approximately ten to one and its failure has carried with it the almost complete abandonment of the program for county reorganization in the state. Apparently the legislative council, which was proposing such a program, has lost interest as a result of the election. The county in Kentucky remains the dark continent of American politics and there appears to be no immediate possibility of changing the situation.

J. W. MANNING
University of Kentucky

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Virginia County Officers Prepare for Legislation.—For the past two months Virginia county officers have busied themselves with an eye on the state legislature, now in session.

First, the League of Virginia Counties assembled in convention with representatives from half of the counties, mapped out a legislative program designed to preserve local self-government, and planned by bulletins and by sub-committees visiting Richmond to bring their program to the general assembly's attention. Among the interesting items in the fourteen-point program are: (1) opposition to the present plan of consolidating county schools; (2) an amendment to secondary road law to permit any county to vote itself out of the state system (this is a mere declaration of independence which does not necessarily express dissatisfaction with state control); (3) to continue poll tax (there have been proposals recently for abolishing this tax and Governor Price recommends that it be reduced from $1.50 to $1.00 per capita); (4) that self-government be given the counties comparable to that given cities and towns; (5) that county boards of supervisors be allowed to appoint the county school boards.

Second, the executive committee of the Virginia Sheriffs' Association in recent meeting took a progressive attitude toward the proposals of the De Vine commission for reform of the county jail system. The sheriffs approve the following: (1) substitute salary for fee method of compensating sheriffs and sergeants; (2) substitute regional farms for local jails as places for serving sentence; (3) permit use of indeterminate sentence, probation, and installment payment of fines; (4) extend use of bail and personal recognizance.

In the third place, I should like to insert a note for the attention of those interested in following the structural reforms of county government. Three local bills have just passed the lower house of the general assembly. Two of these bills concern Chesterfield County; one would allow the board of supervisors to name an executive secretary, the other would limit elections on county government to not over one in every four years. (It will be remembered that Chesterfield defeated the county executive plan of government in an election held last year.) The other bill pertains to Henrico County. It would substitute the election of supervisors by districts for the present plan of election at large. The opinion has been expressed that this is an effort to defeat in the legislature the manager government, a thing that the opponents of the plan have not been able to do at the polls.

JAMES E. PATE
College of William and Mary

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Westchester County's New Charter Disturbs Villages.—Fearing that the reorganization of the central government of Westchester County, New York, under its new charter will jeopardize the special privileges and home rule powers of villages, Ossining and Peekskill are considering the adoption of city charters to protect their entities. As cities each of these places would be assured of at least one member on the county board of supervisors; as villages they do not have distinct representation. Should the size of the board be reduced there is no certainty that even the towns of which they are a part would have representation. Probably no reduction in the size of the board would be so great as to deprive an existing city of direct representation.

Westchester Asks Enabling Act for Town Managers.—According to the *New York Times* of February 5th, a proposed bill giving townships in Westchester County, New York, the privilege of installing town managers to operate their governments has been endorsed by the county board of supervisors and sent to the legislature for adoption. The permissive measure would affect only towns having more than 10,000 population and $40,000,000 assessed valuation and containing no incorporated village. A manager would have many of the powers now vested in the town supervisor and department heads.

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Elimination of Certain County Offices in New York City Proposed.—A bill has been introduced in the New York legislature to abolish several county offices in New York City. The proposed law would give New York City the power by local law to abolish "any or all offices" of the commissioner of records of the city court, the commissioner of records of the surrogate's court of New York County, and counsel and assistant counsel to county offices and transfer the functions of such offices to city offices, the courts, or county clerks.

TAXATION AND FINANCE

Edited by Wade S. Smith

Sales Tax Voted in Philadelphia.—After months of controversy and several weeks of bitter debate, the Philadelphia city council on February 8th enacted by a vote of fifteen to seven a 2 per cent city sales tax. The bill had been passed by a similar vote earlier and vetoed by Mayor Wilson.

Immediately on the passage of the ordinance over the Mayor's veto, taxpayers' suits were instituted by Mayor and Mrs. Wilson and by eight mid-city stores. On March 1st, the day on which the tax was to have gone into effect, Common Pleas Court No. 1 dismissed both suits, ruling that the tax ordinance violated no state law. It is expected that appeals to the Supreme Court will be filed immediately.

Widespread unemployment of retail clerks and loss to the city of many millions of dollars in retail trade are among the results forecast by the sales tax opponents.

Other bills originally passed by the council and vetoed by the mayor, but abandoned when the sales tax was enacted over the mayor's veto, included measures for a four-mill tax on mutual insurance and savings fund companies and a two-cents-per-quart tax on lubricating oil sold for resale in the city.

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Princeton Survey Proposes New Jersey Fiscal Reform.—After two years of study, the Princeton Local Government Survey had introduced in the New Jersey state legislature on February 9th four bills calling for comprehensive state control of local finances under a proposed local government board. Dr. Harold W. Dodds, president of Princeton University and former president of the National Municipal League, headed the survey, which operated without expense to the state.

The local government board proposed in the first bill would have broad powers of supervision, guidance, and control of municipal finance, budgetary methods, and municipal accounting. To it would be transferred all powers and duties now exercised by the state auditor, including supervision of local budgets, local audits, local reporting, and guidance and advice on financial policy. It would also take over the present functions of the Municipal Finance Commission (the agency through which affairs of defaulting local units have been rehabilitated), the State Funding Commission, and the funding commission for school purposes.

A second bill vests in the proposed board power to prescribe the form and arrangement of local budgets, while a third measure replaces the present power of the state auditor over accounting, reporting, and auditing, transferring it to the board. The fourth bill would give the board authority to impose special restraints on units showing definite signs of unsound financial practices and suspend local borrowing power and prevent local tax increases.

At present state supervision of local finances is centralized and developed in New Jersey to an extent perhaps greater than in any other part of the country. Although relatively few New Jersey units publish annual reports, the annual audits prepared under the supervision or by the staff of State Auditor

Walter Darby have established a well deserved reputation for completeness and clarity and are readily available for the use of interested bodies. In recent years, through the Municipal Finance Commission, the state has exerted direct supervision over local finances in cases where local units became insolvent and defaulted on their obligations, while the 1936 budget law (which was modified early in 1937 to provide a "breathing spell" before it became effective in all particulars) set up perhaps the most rigid provisions for so-called cash basis operations to be found in any general statutes in the country. The higher degree of centralization and extension of state supervision now proposed is not therefore a new development in New Jersey, but rather the logical extension of already well established practices.

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Pennsylvania Budget System Completed.—With the mailing of official budget forms to boroughs and second-class townships early this year, the Pennsylvania Department of Internal Affairs completed the introduction of a thorough-going budget system for every unit of local government in the commonwealth. Larger units were first brought under the system last year, with participation by the boroughs and smaller townships optional.

Pennsylvania law now provides a standard, business-like procedure for the handling of public funds by its 5,280 local governments, which spend altogether approximately $500,000,000 of public funds annually. Supervision of the budgeting and reporting of 2,694 units, including third-class cities, counties, county institution districts, boroughs, and townships, comes under the jurisdiction of the Department of Internal Affairs. School districts, numbering 2,582, are under the supervision of the Department of Public Instruction. The three largest cities of the state—Philadelphia, Pittsburgh, and Scranton—operate under special acts or charters, each of which provides in detail for annual budget procedure. The financial requirements of Philadelphia County are taken care of by the city in connection with the city budget.

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There are today a total of 22,792 "primary" assessment districts—districts which actually make assessments either for themselves alone or for overlapping units—according to reports of the National Association of Assessing Officers which has recently made a study of assessment methods on a nation-wide scale. The number of primary assessment districts ranged from three in Delaware to 2,617 in Minnesota. Study of seventy-one New York towns showed cost of assessment per $1,000 valuation ranged from about fifty-four cents in towns with less than $500,000 assessed valuation down to eight cents for towns with assessed valuations of more than $5,000,000.

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Phoenix, Arizona, claims the distinction of being the first city to "break" the market price on parking meters. According to City Manager Houston Walsh, the first effort brought identical bids of around $58 per meter, but a second invitation for bids six months later produced a price of $37.50 which the city accepted. Installation of several hundred meters was completed with January the first full month of operation, and indications are that parking revenues will pay for the meters well before the end of the first year with a net return to the city thereafter of around $75,000 annually. Parking meters are widely used in the west and southwest, and are infrequently found in the eastern part of the country.

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Local Government Finances to be Discussed.—A National Conference on Municipal Accounting and Finance, under the auspices of the American Institute of Accountants, will be held on March 28th and 29th, at the Stevens Hotel, Chicago. Ten other organizations are coöperating in arrangements for the conference—Municipal Finance Officers Association, National Committee on Municipal Accounting, National Municipal League, Tax Policy League, National Association of Cost Accountants, Investment Bankers Association, committee on better audits of the Surety Association of America, Illinois Bar Association, Illinois Chamber of Commerce, and the Illinois State Society of Certified Public Accountants.

Municipal cost accounting, the demand for which is growing in connection with expenditures of local government, installation of modern accounting systems in municipal offices, and the relation of accurate account-

ing reports to municipal credit will be three important topics. There will also be discussion devoted to the selection of personnel for municipal accounting offices, theory and practice in municipal accounting, and the application of sound accounting principles to the keeping of the income and disbursement records of city and town governments.

PROPORTIONAL REPRESENTATION

Edited by George H. Hallett, Jr.

Norris, Tennessee, Uses P. R.—The Tennessee Valley Authority town of Norris, Tennessee, held its second P. R. election February 1, 1938, at which time the residents elected nine persons from sixteen candidates to serve on the advisory town council for the forthcoming year.

Four members of the old council ran for a second term, and three were re-elected. Nominations were made by petition, signed by ten qualified voters for each candidate. From a total population of approximately a thousand persons, 445 votes were polled—seventy-five more than in the previous election—and only three ballots were ruled invalid because improperly marked. The ballot count was conducted under the rules of the Hare system with the single transferable vote. Two candidates with a surplus of votes were elected on the first count, and the surplus ballots were transferred on a proportional basis in accordance with the expressions of secondary choice by the whole group of ballots from which the transfer was made.

An analysis of the ballot count reveals several interesting facts. The eight candidates ranking highest in number of first-choice votes were all finally elected; while the ninth ranking candidate on the first count was eventually defeated in favor of the tenth high man, who was the last candidate elected. The candidate ranking lowest in number of first-choice votes, because of strong secondary support with ballots transferred to him from the candidate with the most surplus votes (these two were supported in order by a strongly organized group of voters) and others subsequently defeated, was the last candidate eliminated. Only five ballots became exhausted up until the final transfer from the last candidate defeated, most voters having expressed their preference for all candidates in the race.

Provision is made for the filling of vacancies on the council by a recount of the ballots which elected the vacating member.

The P. R. system was adopted in Norris by a vote of 267 to 28, in a referendum held December 9, 1936. The first election on January 29, 1937, drew a field of 22 candidates and polled 370 votes, with four ballots marked improperly.

Although Norris is not an incorporated municipality, but is owned and controlled entirely by the Tennessee Valley Authority through a manager appointed by and responsible to the TVA, the advisory council wields considerable influence over the affairs of the community and the policies of town management by consent of the authority's board of directors. The management function, in addition to the usual municipal services, includes the operation of electric and water utilities, certain essential commercial services (a drug store, for example), and maintenance and rental of all real estate in the town. Since dwelling rentals are the chief source of revenue for the town, there being none of the usual property, personal, or license taxes, the rental rate schedule and dependent budget of town operations are important items of negotiation between the council and the management.

During the first year since its adoption, P. R. has well proven its ability to assure the election of a town council in Norris which adequately represents the interests of all persons and groups in the community.

Charles M. Stephenson
Social and Economic Research Division
Tennessee Valley Authority

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A Neglected Field for Publicity.—There was a time in many, many communities when counting votes after an election was pure farce. There are still some communities, or rather certain voting precincts in these communities, where the election figures turned in are not influenced in the least by the marking of the ballots by the voters of these precincts. It is true, however, that there has been such improvement in election procedure during the last forty years and such a growth of public indignation against election frauds that it is fair to say that votes are cast and counted

honestly and with reasonable efficiency in most American communities today. I personally can vouch for the accuracy of this statement as regards Toledo elections since 1918.

Unfortunately, honesty and efficiency are not enough if the general public still believes that vote counting is a mystical ceremony that is consummated only behind closed doors by the high priests of practical politics who perform miracles with election returns when the occasion demands miracles. Honest, efficient election administrators should face the fact that they must sell their performance to the general public if it is to receive the approbation which it merits, and if the voters of this country are to have confidence in the workings of democracy at a time when the processes of democratic government are being attacked so fiercely and so cleverly.

William E. Galvin had had twenty-five years' experience in handling election returns and had been director of two P. R. counts in Toledo before he was taken over by Uncle Sam as assistant director of the unemployment census. Perhaps John Biggers figured that any one who could conduct a P. R. count without previous experience with P. R., and sell it to the people as Galvin did in Toledo in 1935, would find the job of tabulating the unemployment census just a pleasant diversion for the Christmas holidays.

Bill Galvin's equipment for this sort of task is best symbolized by his chins, all three of them. The first one is a fighting chin. The director of an election count must be ready to fight if the workers attempt to sabotage the procedure, or if and when the pressure groups attempt to interfere with what is obviously a tabulating job that must be performed with mechanical precision if it is to be of any value.

Galvin's second chin is pure Irish humor, making him an after-dinner speaker of note. The third chin is the inevitable consequence of many dinner engagements working in complete harmony with an excellent digestive apparatus. This chin serves as a parenthesis to keep the fighting chin and the humor chin in constant liaison.

It is typical of Mr. Galvin that when he was appointed director of the first Toledo P. R. count in 1935 he envisaged the job as one of selling the single transferable vote system to the citizens of Toledo; consequently, he made every arrangement he could to facilitate public interest in and direct observation of the counting process. As a result of these arrangements all three daily papers published the complete returns of the first count precinct by precinct, carried the accumulating total for each candidate in each edition (issued approximately every two hours during the count), and then printed all the transfer data step by step as each "failing candidate" was dropped from the bottom of the list and his ballots were transferred to the "continuing candidates." The daily press of Toledo is well disposed toward P. R. elections for this city if for no other reason than that this type of election prolongs the period of election editions for almost a week.

The Toledo City Manager League has decided to publish a diagram and explanatory description of the P. R. count for free distribution at the next city election. Such a diagram and explanation of the route taken by each ballot from the numbering machine to the "designation table," to the "tabulation table," to the "first breakdown table," and to the "ballot bin" for each individual candidate makes it very clear as to just how this system *double*-checks the tabulation of every vote under the direct gaze of the candidates themselves (or their personal representatives) and provides for an immediate recount of the ballots from any precinct when the totals from that precinct do not check with the totals on the tally sheets and the accumulated totals of each candidate's ballot-numbering stamp, also with the accumulated totals of the tabulating machines at the rear of the room.

So great has been the public interest in the P. R. counting procedure in Toledo that the Waldorf Hotel management, who charged four hundred dollars for the use of their main dining room for the count in 1935, reduced this charge to seventy-five dollars in 1937 because they found it to be good business to have so many people adjacent to their bar and to their other dining rooms for several days.

Mr. Galvin is not an advocate of any particular method of election. He just administers the procedure for all the different methods and happens to be an honest public servant. "Let the people see how P. R. works," he says. "Then if they like it they can keep it. If they dislike it they can

change it. They can only decide intelligently as to any method of election by seeing it work."

"There is some merit," says Galvin, "in the farmer's reply when he was asked if he believed in baptism? 'Believe in it!' replied the farmer, 'certainly! I've seen it done!'"

When the honest and efficient election officials publicize their work as do some of the other branches of government it will then be evident that those communities that do not facilitate public inspection of election procedures are those that think it advisable to conceal inefficiency and crookedness from the public eye.

O. Garfield Jones
University of Toledo, Ohio

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

Edited by Robert M. Paige

Department of Budget and Research of Los Angeles County.—This department was established July 29, 1936. The director, H. F. Scoville, was for several years prior to this date the director of the Los Angeles County Bureau of Efficiency and most of the members of the staff of the new department were formerly members of the staff of the Bureau of Efficiency.

Budgetary improvement in the county was largely the result of a recommendation made by the department to the board of supervisors with the coöperation of the county auditor. This resulted in an amendment to the ordinance by the terms of which the board of supervisors will consider budget requests of departments in one rather than in two series of hearings, as formerly. To accomplish this improvement, the budget preparation period has been moved ahead thirty days. It is expected that, under the new procedure, what has amounted to an almost complete re-writing of the budget after public hearings will be eliminated.

The first of this year the department established a new systems and procedures division. The two other divisions of the department are budget and research. The systems and procedures division will make investigations of departmental organization and operations, and will deal with such subjects as expense control, documentary procedures, office output, physical outlays, office appliances, etc. The senior systems investigator, Pierce Fazel, came from a responsible position in the county auditor's office. The six other members of the staff of this division were selected by a civil service examination, which was open to any one in the United States, and the men appointed came from several states.

Major surveys which have recently been completed include the following:

A Plan for the Care of Indigent Single Men in Los Angeles County.—This report outlined present methods of providing relief to indigent single men and recommended changes which if adopted and put into effect would save the county an estimated $100,000 annually.

The County Health Department.—This survey was sponsored by the department of budget and research and directed by Dr. Carl E. Buck, field director of the American Public Health Association.

Tuberculosis Control Program in Los Angeles County.—This survey sponsored by the department was also made by an outside health consultant.

Work of Humane Societies.—A study of the functions performed for the county by the several humane societies in the area resulted in the recommendation that the county establish a dog pound department.

Although only these four reports have been published in the past year more than nine hundred communications outlining findings and making recommendations on administrative problems have been submitted to the county board of supervisors during this period.

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Minneapolis Taxpayers Association.—At the beginning of 1937 the Minneapolis Board of Public Welfare requested a loan of one of the regular members of the staff of the association, C. C. Moe, to study the operations of the departments under the board's jurisdiction. Mr. Moe, in collaboration with another investigator employed by the Board of Public Welfare, undertook surveys of the general hospital, the workhouse, and the relief department. It is expected that as a result of these investigations a reorganization of all departments under the Board of Public Welfare will be affected, which will result in better administration and more efficiency.

The Minnesota state legislature held regular and special sessions during 1937 and devoted more of its energies to tax matters than any other legislature in the state's history. All of the bills dealing with taxation were analyzed by the association's staff and counsel as to their effect on Minneapolis and Minneapolis taxpayers. The association assumed the position that local matters which could be handled by amendment to the Minneapolis home rule charter should be so handled. This argument led to the defeat of measures which would have increased the mill levies of the Minneapolis Park Board and School Board.

In June the Minneapolis city council submitted to vote of the people three proposed charter amendments. These amendments would have permitted additional levies for parks, schools, and the police department. In the campaign against the adoption of these amendments, the Taxpayers Association assumed the leading role and the manager of the association was named general chairman of the "tax amendment opposition." The amendments were decisively defeated.

The monthly bulletin of the association, *The Taxpayer,* was published throughout the year and given a wide distribution in Minneapolis. The advisory board of the association held quarterly meetings which were addressed by prominent state and city officials.

During the year George R. Martin, manager of the association since 1934, resigned and Mr. George Bestrom, at the time assistant manager, was appointed to succeed him.

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Association of Omaha Taxpayers, Inc.—The association's activities during 1937 may be summarized as follows:

Legislation.—The association sponsored, in conjunction with the Nebraska State Federation of Taxpayers' Leagues, bills setting up budget and uniform accounting laws for counties. These were passed by the legislature and are now in operation. The budget law requires budgets with income and expenditures in balance. Expenditures in excess of the amounts set out in the budget become invalid claims, and the officials responsible for such excessive expenditures are guilty of a misdemeanor—subject to fine and removal from office. The uniform accounting law requires an annual audit of county clerks and county treasurers by the state auditor's office.

The association actively sponsored a bill providing for the recall of county officials. This measure was conservatively drawn—petitions for a recall election requiring the signatures of 25 per cent of the number voting for the successful candidate for governor at the last election—and will seldom be invoked. The association feels, however, that its enactment will have a salutary effect. The association successfully opposed bills providing for increasing the pensions of Omaha policemen and firemen on the ground that this matter could best be determined by the people of Omaha under their home rule charter.

Pensions.—The association was responsible for the preparation of an actuarial report on the cost of the present pension system and the drafting of a new pension plan for Omaha policemen and firemen. This work was undertaken by E. F. Estes, an actuary of Lincoln, Nebraska.

Delinquent Taxes.—Surveys of delinquent taxes, especially delinquent personal property taxes, have been prepared and published. These studies are responsible for a tax collection campaign which is now being initiated.

Price Investigation.—Much data has been secured to show the prices paid for meat, coal, paint, etc., by the different political units in this area. This information supplied the basis for a number of newspaper articles.

Tax Levies.—Studies of levies needed for the proper functioning of all governmental units in Douglas County have been made. A proposal to increase the county bond sinking fund levy was successfully opposed.

Homestead Exemption.—The proposal to exempt homesteads in Nebraska up to $5000 valuation from all taxes has been opposed through talks, printed literature, etc. Present indications are that this issue will be submitted as a constitutional amendment at the November election this year.

Tax Education.—Using the press, radio, and direct mail, a campaign of education on tax matters has been carried on throughout the year. This has been on an intensive scale and perhaps represents the most important angle of the association's work.

WALTER PIERPOINT, *President*

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Taxpayers Association of New Mexico.—During the past year this association prepared a number of research reports. A study was made of the assessments of corporations, public,

utilties, pipe lines, etc., and assistance was rendered to the state tax commission in the distribution of the assessments of certain of these corporations to counties, municipalities, and school districts.

Complete analyses of the expenditures of the state and of all local governments in the state have been made on the basis of payroll data and other financial information reported to the secretary of state and other state officers. An analysis of the cost of the distribution of free text books in the elementary schools has also been made.

Tables were prepared at the request of the state comptroller for the county treasurers of the state showing how the receipts from motor vehicle licenses should be distributed among the several funds of each county.

A series of special analyses of the records of state departments collecting taxes and miscellaneous revenues has been made.

In December Carlos Powell, formerly assistant state engineer and chief PWA engineer for New Mexico, was employed by the association to make surveys of the accounting practice, operation, and other phases of municipal utilities. It is hoped that Mr. Powell's work will result in the adoption by the state comptroller of some new accounting and reporting forms on which municipal utilities will submit financial data annually to the state.

The association has continued to publish its monthly *New Mexico Tax Bulletin*. In this bulletin tax expenditure data on the state and local governments are reported and the special studies of the association summarized.

In January the association sponsored a state-wide tax conference which resulted in the creation of a body to plan similar conferences each year hereafter. Frank Arnold, director of the Colorado Governmental Research Association, was one of the principal speakers at this meeting.

Institute of Public Affairs of Dalhousie University.—The Institute of Public Affairs was established late in 1936 "to promote a scientific interest in public affairs" in the province of Nova Scotia, the other Maritime Provinces, and Newfoundland. The governing council of the institute includes representatives designated by the governors of the four Maritime Provinces, representatives of the two unions of municipalities in the region, and representatives designated by ten schools and colleges in addition to Dalhousie University.

During the past year the institute has concentrated most of its efforts in the field of municipal government. Close coöperation has been established with the Union of Nova Scotia Municipalities. In 1937 the institute helped prepare the program for the annual conference of the union and has been asked to render similar assistance in connection with this year's meeting.

When the Royal Commission was established last August to investigate relations between the dominion and the provinces, the Unions of Municipalities were offered the opportunity of presenting some of the important municipal problems to this body. The Dalhousie Institute was asked by the Union of Nova Scotia Municipalities to prepare a factual report of municipal problems in that province. Such a report has been prepared and submitted with a series of recommendations to the Royal Commission.

The development of an in-service training program for public employees was one of the principal objectives of the university when it set up the Institute of Public Affairs. In the past year and a half, two conferences of municipal officials have been sponsored by the institute. One brought together welfare administrators and relief workers; the other, municipal finance officers.

The publication of a quarterly journal called *Public Affairs* was begun last August. Although it has been made the official organ of the Nova Scotia and New Brunswick Unions of Municipalities it will not be restricted to municipal problems but will also devote attention to economic, social, and general administrative problems and to public affairs generally affecting life in the Maritimes.

The following special research projects have been undertaken by the institute: (1) an investigation of the educational and vocational background of the unemployed in Nova Scotia to aid the provincial government in setting up a vocational training program; (2) a study of existing school units in certain typical school districts to demonstrate what results might be anticipated if larger school units were established; (3) a survey of employment conditions in the city of Halifax to enlighten public and official discussion of a

proposal to establish a modern vocational school.

The institute has recently received a grant of $5,000 from the Rockefeller Foundation to investigate sickness rates and medical services in the mining district of Cape Breton where a system of health insurance has been in operation for fifty years. It is expected that the statistical analysis which will be made will provide valuable material for study in connection with proposals for state and provincial health insurance legislation.

In the near future the first of a series of monographs on problems of public administration in Canada will be published. This volume will be entitled "Unemployment and Relief in Canada."

Professor L. Richter is the secretary of the institute and editor of *Public Affairs*.

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Bureau of Business and Government Research of the University of Colorado.—During the past year this bureau has completed three business research projects: cost of operating retail lumber yards, causes of bank failures, and cost of operating gasoline filling stations in Denver.

In the field of government research the Bureau prepared a report on the building needs of the state penal, correctional, and charitable institutions for the state planning commission; made a comparative study of the revenues and expenditures of the University of Colorado with twenty-two other state universities; and prepared an accounting manual for the operation of the Colorado Municipal League's uniform accounting system. *Colorado Municipalities*, periodical of the Colorado Municipal League, was issued monthly during 1937. The 1937 directory of city officials was compiled and published. The seventh annual fire school was conducted at Glenwood Springs in July. A municipal purchasing service was inaugurated in January and a total of 1,800 feet of fire hose was sold. The routine work involved in serving as the secretariat of the Colorado Municipal League —answering inquiries, arranging for the annual convention, and handling the work in connection with the regular session of the legislature—was carried on as usual.

DON C. SOWERS, *Director*

Citizens Union of the City of New York.—During the past year the Citizens Union devoted a great deal of attention to the first campaign for the election of municipal officials under the new city charter. The organization played a key part in the campaign for the adoption of the new charter and proportional representation in 1936 and naturally felt a vital interest in helping put the charter in the hands of its friends.

The union's activities and the activities of its secretary, George H. Hallett, Jr., in so far as they relate to the proportional representation sections of the New York charter and the first P. R. campaign in New York City, are well known to readers of the NATIONAL MUNICIPAL REVIEW.

Other recent activities may be briefly summarized as follows:

The union has established a committee on constitutional revision which will recommend changes in the home rule amendment to allow real home rule for cities, the extension of P. R. to the state legislature, the adoption of a unicameral legislative body, the constitutional initiative, and other important changes to the state constitutional convention which meets in April. This committee will review all proposals which come before the convention in the same way that the union's committee on legislation acts on measures before the state legislature. Mr. Hallett is a member of a committee appointed by Governor Lehman to prepare data for the convention.

The Citizens Union is actively promoting a legislative program before the legislature at Albany, where it is represented by its secretary each week during the legislative session. Its committee on legislation receives reports and takes action on more than fifty bills at each of its weekly Friday evening sessions.

The Citizens Union follows all sessions of the city council and board of estimate and publishes a complete record of all legislative measures at the city hall. During the early part of 1937 an assistant secretary of the union conducted a weekly radio program on "The Week at City Hall." The Citizens Union passes on all important legislative measures considered by the city's representatives and attempts to influence legislative decisions. It expects that these efforts will be much more fruitful in the future and that the measures

to be considered will be more important in view of the complexion of the new city council.

The union took a leading part in the civic protest which blocked the pension grab arranged by the Transit Commission for former Mayor Walker. The union is now coöperating with the Civil Service Reform Association and other groups in trying to extend civil service to all minor positions in the offices of the five district attorneys in New York. It is also publicly on record as advocating an expansion of the functions and financial support of the Municipal Civil Service Commission.

Transit unification is regarded by the union as one of the city's greatest needs. The abolition of the present Transit Commission and the speedy enactment of a proper unification plan will be urged by the union during the coming year.

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Duluth Governmental Research Bureau.—Significant activities of the bureau during the past six months included the completion of the report on the administrative organization of the city of Duluth. This study has already had and will continue to have a far reaching effect upon Duluth city government. It grew out of the questioned appointment by the mayor of a new manager of the Free Legal Aid Department. The city attorney ruled (May 1937) that the Free Legal Aid Department had but a *de facto* existence, and therefore as there was no department, no head of the Free Legal Aid Department could exist, and the mayor had no appointment to make. This brought up the whole matter of the powers conferred upon the mayor by the city charter.

Mayor Berghult subsequently expressed a desire to the bureau for a thorough study of the charter and the statutes for the purpose of determining the extent of the mayor's powers and duties. Such a study, which eventually covered the duties of all city officials, has now been made.

An eighty-page report on the matter was released to the city commissioners on September 22, 1937. The summary of the findings and conclusions was sent to all bureau members on October 15th. As a result of this study, the city commissioners have re-examined the methods of financing the airport, and instead of continuing to sell bonds to provide funds for the operation of the airport, the airport fund has been created by ordinance and operating expenses have been appropriated from current funds. Efforts are also under way to draw up an ordinance to create the Park Department and provide for the necessary administrative procedures. (The Park Department, along with the Police, Fire, Public Works, and Water & Light Departments, has but a *de facto* existence having never been created by ordinance as contemplated by the city charter.)

A recent amendment to the city planning ordinance which provided for a change in the time of appointment of the members also included a correction of the old provision for appointment by the mayor to appointment by the council as provided by the charter.

The city attorney's office is making a check-up of the provision in section 8 of the city charter that ". . . all legislation and appropriations of money shall be by ordinance. . . ." At various times in the past additions (not transfers) have been made to the annual budget by resolution. It is believed that a resolution purporting to appropriate money does not conform to the requirements of section 8 of the charter. From time to time undoubtedly other questionable practices will be ironed out. Precise thinking on charter provisions promotes precise and economical administration.

Attention should be directed to the fact that this study shows that the civil service provisions of the Duluth charter are in accordance with the recommended best practice by accepted authorities on the merit system. The present charter provides that except for employees in office at the time of the adoption of the charter and the statutory soldier's preference, a city commissioner can discharge any of his appointees at any time. In other words, with the exceptions above, all that the civil service section of the charter does is to "close the front door" by requiring that vacancies shall be filled from an eligibility list after free, open, competitive examinations as to fitness. As this becomes better understood, it should have a salutary effect upon the morale and *esprit de corps* of the city employees.

An examination of the relief and welfare

expenditures in St. Louis County has just been completed. It was found to be difficult to get figures on the expenditures and load carried by the WPA. The significant results of this examination were that the relief load was higher in 1937 than in 1936 although the total expenditures were somewhat reduced, and with federal and state aid the number of people added increased at such a rate that even after crediting state and federal allotments, the total expenditure from county funds increased.

On October 1st the directors of the Governmental Research Bureau invited the members of the city council, board of education, and the county board to a joint meeting with the directors of the bureau. Three members of the city council, five members of the school board, and two county commissioners attended. It was explained that it seemed in many cases public budgeting put the cart before the horse. In most budget deliberations other than public, the first thing determined was how much income would be received, and the deliberations were then for the purpose of determining how the estimated income could be spent to the best advantage. Various individuals actively engaged in local business enterprises briefly outlined some of the problems presented by the location of Minnesota upon the so-called industrial frontier and the effect of high taxation in this regard. Various officials responded briefly and explained some of their difficulties. The expression of several attending the meeting was that the meeting was helpful and that other such meetings could be held with profit in the future.

Careful study was given to the report of the state examiners on the St. Louis County road and bridge fund. Several conferences were attended with the county attorney, a representative from the public examiner's office, the county auditor, and county highway engineer. It became apparent that laws in regard to budgeting and administration of the road and bridge fund were in conflict in various instances. Agreement was reached for the set-up for 1938, but for the purpose of a thorough understanding of the situation a detailed survey is now under way of the history and legal set-up of the county road and bridge operations. It is believed that the outcome of this study will be definite recommendations as to possible clarifying legislation to be presented to the next session of the legislature.

Contact has been maintained with the activities of the school board through attendance of meetings, and all of the meetings of the city council, county board, and county welfare board were observed. Largely at the suggestion of the bureau the maturities of the $125,000 unemployment bond issue which was just sold were spread over a fifteen-year period rather than twenty years as set up in the ordinance presented by the commissioner of finance. The total interest cost was reduced accordingly.

M. W. DeWees, *Executive Secretary*

LETTERS TO THE EDITOR

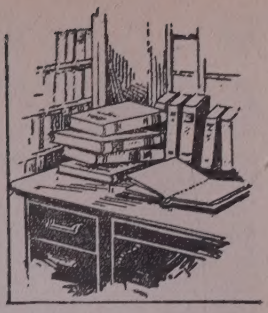
(Continued from Page 163)

of my position, I would refer him to an article, "Recent Legislative Indulgences to Delinquent Taxpayers," which I wrote for the June 1936 issue of *Law and Contemporary Problems* (School of Law, Duke University). In that article I discussed in some detail the legislation affecting penalty and interest concessions, and attempted to weed the good from the bad as I saw them. I still think that the majority of such statutes were bad, from a long term point of view.

There can be little doubt that even the worst of the tax concessions have saved the homes of many distressed taxpayers, or that many taxpayers so benefited have discharged their tax obligations fully as soon as they were able. But the best of the statutes secured this desirable result without making it profitable for the man with ready money for tax payments to get on the delinquency bandwagon in order to enjoy a longer use of his cash without the penalty of additional charges. I heartily agree with Mr. Murray's objective of saving the so-called small home owner; but I fear that he fails to draw the distinction between good and bad means of securing that objective—and in my January column I attempted to indicate my thought that the generally bad legislation still needs correction.

Wade S. Smith, *Contributing Editor*

Recent Books Reviewed



EDITED BY ELSIE S. PARKER

Twenty Years of Government in Essex County, New Jersey. By Thomas H. Reed. New York, D. Appleton-Century Company, 1938. x, 183 pp. $2.00.

To depict the government of a specific county in operation, to set forth its motivating powers of bossism and reform, and to evaluate the results in terms of the administrative process are the tasks which Dr. Reed undertakes in this succinct book. He steers clear of encyclopaedic aridity and questionable generality and achieves a fluent narrative of the business of government in a populous, wealthy, suburban-industrial county. The book combines a flair for interpreting political mores with a technique for surveying administrative processes. Dr. Reed tells the whole story from the indifferent voter to the crumbling concrete, from the inception of reform to the diminution of secondary infections in the isolation hospital. By training his sights constantly on the outstanding facts and realities, he has produced a book for both the "expert" and the layman.

The uncontrolled laboratory experiment is Essex County, New Jersey. In the southeastern corner of this county lies Newark. In 1935 the assessed valuation taxable for county purposes was $1,709,487,995; the county taxes levied exceeded $8,000,000. The county was once solidly Republican. It is still normally Republican by a precarious margin. In recent years, thousands of commuters including white-collar employees, skilled and unskilled workers from New York, Kearny, Harrison, East Newark, and Jersey City have settled in Essex County. Strong Democratic organizations led by lieutenants of Frank Hague, "doughty boss of Hudson County," have developed.

The governmental structure of Essex County contains many of the flaws typical of the "dark continent" of American politics, namely, departments under the control of independent officers, departments under quasi-independent boards, absence in law and in fact of a chief executive with wide powers of appointment and removal. The board of chosen freeholders is a small county council of nine elected at large with overlapping tenures, three members being elected each year. The supervisor's office, which serves as a general check on the board and the administration, conforms to none of the neat categories of executive officials; it is "clearly a hybrid."

In 1917, the regular Republican organization was in control of the board of chosen freeholders, and the political narrative is begun. The outbreak of the war plus the board's customary lax methods of dealing with contractors led to delays in installing new boilers in the Overbrook Hospital for the insane. When an inferior new boiler installed in 1916 was overworked, it blew out, and this large asylum for the insane was without heat and light for three days in December 1917. This "big freeze" through the alchemy of politics turned the heat on the board of chosen freeholders. As a result, three Democrats were elected to the board in 1918. The machine went from bad to worse. In 1919 the Bacheller-Newman report gave the facts on the North Caldwell land deal and "tied the Republican Old Guard organization directly in as beneficiary with the loose practices of the board of chosen freeholders."

Then came the march of reform. During 1919 a small and informal group known as the Essex County Republican League swung

into action. Its first president and most active force was Arthur T. Vanderbilt. Its original purpose was to re-elect a nucleus of independents in the assembly. Then public indignation over the "big freeze" and the North Caldwell land deal determined the reformers on a policy of running candidates for the board of chosen freeholders on the league's primary ticket. Two of the league's candidates, Edwin Ball and Henry C. Hines, nosed out the regular Republicans in the primary, but Lindsley, a regular, led the vote. These three defeated the Democratic candidates in the 1919 election. Once in office Ball pressed for a much needed investigation into the building of the filter beds for sewage disposal at Overbrook. With this demand hanging over their heads three regular Republicans and one Democrat, for some unknown reason, voted to make Ball, Hines, and Lindsley a special investigating committee. This group, employing Arthur T. Vanderbilt as counsel, proceeded to "go to town." The investigation spotlighted a "crumbling" job and overpayment to the contractor for excavation. Because of legal snarls and other obstacles the question of removing the county engineer dragged on into 1921. By that time, three more Republican leaguers had been elected, and the board, with five leaguers voting as a majority, removed the county engineer after a formal hearing. The success of the league candidates in the 1920 election was attributed in part to the continued ineptitude of the regulars on the board. In that year the board, with Ball and Hines dissenting, had voted for what was later known as the "million-dollar road grab" or the "patented paving scandal." Once in control of the board, the league retained uninterrupted power for eleven years. Later it was succeeded by the clean government group which carried reform forward. But—why spoil a good story?

This book is required reading for the layman who is interested in the life blood of politics, for the reformer who wants to know how others have done the job, for the college student who is interested in state and local government, and for the expert who wants to follow a laboratory test of administrative efficiency, personnel, institutional operations, and governmental costs. It breathes with the gusto of courthouse politics. Yet many facts and sound observations about the administrative process are salted away for the benefit of those who are concerned with comparative county government and administration. It is a distinct advance in the literature of the field and bears throughout the hall-mark of one who has made many studies of local governmental units in operation.

A. W. Bromage
University of Michigan

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State Administration. By Kirk H. Porter. New York, F. S. Crofts & Co., Inc., 1938. xi, 450 pp. $3.50.

The purpose of this carefully prepared volume is, according to its preface, to outline the numerous activities in which states may be expected to engage and to propose ways of organizing suitable agencies for the proper administration of these various services.

While the author discusses in considerable detail government problems and organizational arrangements, he disclaims any attempt to make it a book on the technique of administration.

The first eight chapters deal with the "staff" departments, where the tendency is to concentrate power in the hands of the governor, and the last eight with the "line" agencies of administration, the chief administrative officers of which, it is held, are best made accountable to plural, policy-determining commissions or other agencies. Dividing these two sections is a chapter on "The Limits of Concentration."

The author is meticulously exact and clear in definition of term and description of function. While he makes many specific recommendations, they are accompanied by warnings that modifications are always in order.

Referring to the inability of many states adequately to provide some essential services, he looks forward almost wishfully to a time when functional consolidation of groups of states may not be looked upon as fanciful. This question, however, he tosses into the laps of future generations of students of public administration, inferring that students of today have enough on their hands to determine the reasons for the lack of momentum in the movement for widely needed consolidation of counties.

The pages are exhaustively footnoted and are followed by an excellent bibliography and highly serviceable index. It is altogether a broad-gauged and useful book.

A. W.

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The Abolition of Poverty. By James Ford and Katherine Morrow Ford. New York City, The Macmillan Company, 1937. 300 pp. $2.50.

Is this a pleasant book to read? By no means. Should it be read by those concerned with local government? By all means. To an increasing degree officials of local government must deal with human beings who suffer poverty; in some cases they must both determine the general policies to be followed and then administer them and in others they must administer policies which they do not originate and cannot greatly modify. In either case this book provides background for those who wish to end the poverty of each individual who must be dealt with, if that be possible, or at least to mitigate it.

Professor Ford is in charge of courses in social pathology in the Department of Sociology at Harvard University and this may account for some of the unpleasant feelings to which the book gives rise. Students of medicine who are suggestible often feel themselves suffering from the symptoms of the diseases they study. And it must be said, to the credit of the writers in hand, that they deal with the many symptoms of that social disease, poverty, so vividly and lucidly that the reader begins to fear he too is in its clutches.

Three great "panaceas" for poverty are reviewed as summed up in the views respectively of Malthus, Marx, and George. While none are dismissed as entirely wrong, it is to the findings of the army of social workers and those who have pored over case histories that our attention is almost entirely directed. As we all know, social workers are poignantly aware of the purely economic factors that make for poverty, but they count also the biological, mental, and moral factors in the poor, as individuals. This is the reason the book is of value to students of local government, for it is evident we must place as a continuous charge upon its budget those competent to deal with the poor as individuals and to provide such professionals with the institutions and means their judgment declares necessary.

Bad housing as both a cause and effect of poverty is dealt with as adequately as can be expected in a book which crowds such a vast subject into three hundred pages. Enough is said though to stimulate every manager, mayor, councilman, and local officer to use what powers exist, and to get more so that slums do not increase in numbers or noisomeness.

For good measure the writers bring home to us the relation between poverty and war in a way that no book in which war is the major subject has quite succeeded in doing. When we realize, as these writers help us to, how false is the prosperity that munition-making creates, and how many are the forms of poverty which war bequeaths to communities far from the trenches, then students of local government will devote some of their attention to the conscious preservation of peace.

This is a book for those who have given up the idea of progress as necessarily inherent, but who nevertheless believe it can be brought about in human affairs if our faith deals with generations rather than with calendar years.

WALTER J. MILLARD

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Civil Service Agencies in the United States. A 1937 Census. By the Civil Service Assembly of the United States and Canada (Pamphlet No. 11). Chicago, 1938. 55 pp. Fifty cents.

The Civil Service Assembly of the United States and Canada has just completed and issued the first census ever attempted of civil service systems to include all jurisdictions in the United States. It shows a total of 863 units of government—local, state and federal —under the merit system, including the federal government, fourteen states, 169 counties, five special districts, and 674 cities. Only 465 of them maintain civil service agencies; nearly four hundred of them have their merit systems administered by personnel agencies of other jurisdictions.

The old average of eight new civil service cities per year was broken in the biennium of 1935-1936 when fifty-four cities acted, and again in 1937 when thirty-nine municipalities

came under civil service. The merit system has made the greatest progress in cities of large population. The census shows that 80 per cent of the cities with populations above 100,000 have their employees under such a system.

The five new states adopting the merit system equaled in number the adoptions for the previous twenty-five years.

Although the extension of civil service into the county governments in such states as New Jersey indicates probable future progress, 2,884 counties remain outside the merit system, according to the survey.

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The Diary of a Housing Manager. By Abraham Goldfeld. Chicago, National Association of Housing Officials, 1938. 115 pp. $1.

Mr. Goldfeld's book, a record of his ten years' experience as manager of the Lavanburg Homes on the lower east side of New York City, does more than answer many questions on housing management. It is a personal, revealing document, the abridged edition of a day-to-day diary begun before the Homes were completed and continued during a decade of experience.

Lavanburg Homes, one of the few privately endowed housing projects in existence, was established in 1927 not only to give a decent home and community life to more than five hundred residents, but in the hope that its existence would influence the entire neighborhood—inducing others to build as Mr. Lavanburg did, with eventual eradication of the slum area. The hope has not been realized, but the Lavanburg Homes survive, testimony to the social contribution of good housing accommodations at low rentals for persons of small income.

The "Diary" was originally edited for use in a management training course, but it was recognized as having much wider application since it deals with situations in specific, concrete terms rather than in generalizations. It is a valuable aid in the formulation of the new profession of housing management—defining its functions and responsibilities, pointing to the qualifications and experience needed.

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Municipal Snow Removal and the Treatment of Icy Pavements. By the American Public Works Association. Chicago, 1938. 54 pp. $1.00.

This comprehensive statement of the snow fighting problems and practices in American cities has been prepared to aid municipal officials and others in securing maximum efficiency in these important operations. A study of the experiences and practices of seventy-eight cities in the snow belt forms the background for much of the data used.

The study discusses fully the necessity of having complete arrangements for handling these emergency conditions perfected well in advance of the winter season. The plans, organization, personnel, equipment, and methods of operation are treated in detail. The conclusions and suggested procedures are those which have been found most effective in the communities which are successfully meeting the problem.

MAINE'S EMERGENCY FINANCE BOARD

(Continued from Page 147)

to have been questioned; and while there are numerous provisions in the act which no doubt will in time be subjected to the scrutiny of the courts, the attorney general of the state and other members of the legal fraternity who have been consulted appear to be confident that the constitutionality of the statute cannot be successfully challenged.

In the municipalities which have been brought under state control the board has thus far devoted its efforts for the most part to investigating the exact financial condition and to making such tentative readjustments in fiscal and administrative practices as appear to it advisable. It has not as yet announced any definite policy as to liquidating the municipal indebtedness or any long term fiscal program. Thus it is too early to make any predictions as to what the results of state control will be. At least, however, here is a novel and significant experiment in relieving the ills of bankrupt municipalities—one which merits, and undoubtedly will receive, the careful attention of students of government everywhere in America.